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American Democracy  
*versus*  
Prussian Marxism

ABRAHAM LINCOLN'S CREED:

*Government of the people, by the people,  
for the people.*

---

HORACE MANN'S CREED:

*I have faith in the improvability of men—in  
their accelerating improvability.*

---

FROM PENNSYLVANIA'S FIRST STATE CONSTITUTION:

*"The great Governor of the Universe . . .  
only knows to what degree of earthly happiness  
mankind may attain by perfecting the arts of  
government."*

# American Democracy

*versus*

## Prussian Marxism

A Study in the Nature and Results of  
Purposive or Beneficial Government

By

CLARENCE F. BIRDSEYE

*Author of "Revised Statutes, etc., of New York,"  
"Greater New York Charter," "Clerks' and  
Conveyancers' Assistant," "Individual Train-  
ing in Our Colleges," "The Reorganiza-  
tion of Our Colleges," etc., etc.*



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## Foreword

U. S. A.

### THE UNPREPARED STATES OF AMERICA

**A** MERICAN DEMOCRACY, because it is a great living and growing organism, has a law of Life. That Life has its law of growth which determines the manner and extent of the growth and development of the living thing. These two laws can be understood and measured only as we study and understand how American Democracy has shown its life-giving force, and what were its antecedents, its purposes, its advantages and disadvantages, and what results its law of growth has wrought in and through that Democracy. This Life can be destroyed by disease or decay within, or by a greater force from without.

Prussian Marxism has spread throughout the world. Therefore it, too, has its laws of Life and growth which must also be discovered and understood through its antecedents, purposes, surroundings, operations and results.

The only way in which we can fully understand the fundamental differences between Democracy and Prussian Marxism or Socialism is to study and compare their laws of Life and growth, and their purposes and results when actually put into operation. We must also determine whether the growth of either of these forces implies the choking out of the life of the other.

Hitherto such a comparison has not been possible. We have not studied either of these great governmental agencies from the standpoints of these laws of Life and growth; and Marxism has been in actual operation for only two or three years, while our Democracy has been in force for about one hundred and forty years. Until we study these forces from this standpoint, we cannot know the inherent strength or meaning of our idealistic American Democracy, nor the inherent weakness and wickedness of the materialistic Marxian Socialism.

“By their fruits men shall know them.”

The most threatening war of our existence is upon us. As in all previous wars, U. S. A. means the Unprepared States of America. We are prepared neither for offensive nor defensive war, because we do not know the elements of our own strength and weakness, nor those of the enemy which has attacked us. We have no well developed plan of campaign and no mobilizing of our forces or resources. The enemy is in our midst. True to his Prussian antecedents and methods he is sapping the morale of our own most reliable troops, as he did to the Italians before the disaster at Caporetto, and in Russia before her armies crumbled because they had been shot through with Prussian Bolshevism. The yeomen have always been the bone and sinew of English speaking races. Yet we have allowed our yeoman class to be flimflammed and thimble-rigged, and have not intelligently raised a finger, even in protest; much less in counter blows. We have not realized how, because of our negligence, the poison has spread through our body politic. The ulcers of Bolshevism and of the I. W. W. are merely the outward sores which show the nature of the smallpox—Marxian Socialism—which is raging



in our system. Only when we have removed their cause, will the ulcers disappear.

We have also allowed the socialists to claim that the issues to be fought out are merely those of higher wages and shorter hours. We have not seen to it that the battle was confined to the true issues at stake—the laws of Life and growth and the purposes of American Democracy and of Prussian Marxism respectively, and the results for the good or the destruction of the people which these have worked out and must inevitably work out.

Probably Bolshevism will never attain with us the power nor have the disastrous effects which it has had in Russia; but Socialism has already shown that it is about the only power in the world which can undermine the strength and wreck the ideals of our Democracy.

CLARENCE F. BIRDSEYE.

*New York, November 1, 1919.*



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## I

### OUR ANSWER TO THE WORLD IN ITS DILEMMA

**T**O-DAY a large part of the world stands at the parting of the ways, asking where it may find safety and happiness for its sorely tried people; how it may promote their general welfare and secure the blessings of liberty to them and to their posterity. After five years of murder and rapine spent upon the road of Prussian Autocracy, this part of the world finds itself compelled to choose between the highway on the right hand marked "Democracy" and a dark and threatening wood path on the left called "Marxian Socialism." Strong influences advocate turning to the left and some have actually started on that journey; but the rest, still hesitating, look to us in despair and ask for proof that they should turn to the right and keep right ahead. They know that one hundred and fifty years ago we blazed out a wilderness trail which has become the Liberty Highway of the world; but because they cannot afford to make any mistakes, they demand absolute proof that at this time the democratic highway is the only one that can lead them safely to their goal and that it will be a fatal mistake to turn to Marxian Socialism.

In its terrible exigency the world has no time to decide a quarrel or even an argument between Marxism and Democracy. The actual facts concerning the path and the highway and the conditions through which and to

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which they respectively lead must be stated plainly, completely and without delay, and in such a fashion that "wayfaring men, though fools, shall not err therein." Yet when the world begs us to prove the case for democracy to that it will convince any honest and open-minded man, we are dumb. We have never adequately answered these questions to ourselves and hence we cannot answer them to others.

We offer the world volumes upon our constitutional history, but it tells us that the answer is not there. As a constitution is a means to an end, and not the end itself, our constitution may not work in Europe as it has in America. We offer other volumes as to how we have conducted our government, and again the world turns away, for it knows that the operating of a government is only a means, and varies with each country and from year to year in each country.

Once more, the world begs us to tell it the end for which our people have striven during one hundred and fifty years; the purposes which held us firm; the star which beckoned us on; the thing which differentiates our history from all others; and, as well, the pitfalls and other obstacles which other peoples must meet if they travel our democratic road, and which we should have charted as we blazed the way through the wilderness into which every people emerges after a revolution.

The world beseeches us to discover and lay bare the life force of Democracy, its radio-active power, which has always been working toward the development and new ideals and growth of American Democracy. This force was in its infancy in 1776. To-day it is in the strength of its young manhood. The full development of its matured powers still lies ahead.

Possibly the world knows more than we do about



our fourteen years of wandering in the wilderness (1775-1789), and about our early discouragements and setbacks, and how, after the signing of the Declaration of Independence, Washington, Madison and many of our greatest men almost despaired at the crude theories and fantasies and the turmoil and internal strife into which the country was plunged, and how they doubted whether the whole experiment was not to end in failure.

History remembers, though we may have forgotten, that after the close of the Revolutionary War we had at least six years of strife and chaos, and of moral, financial and political bankruptcy, and that from that time on our history and our constant upward progress have been marred with national and local crises—crises that have grown out of repudiation of public and private debts, oppression of the Indians, human slavery, civil war, the crime of the Reconstruction Period in the South and the anarchy of the Ku Klux Klan, wild frontier and mining-camp days, the Spoils System, political and municipal corruption, wildcat banking, polygamy, legalized disenfranchisement of millions of colored voters, Wall Street gambling, panics and frenzied finance, thefts of billions of dollars of public properties and monies, oppressive trusts and monopolies, political assassinations, Marxism, and attempted anarchy and industrial and social revolutions.

And now the world, in its welter of political and social chaos, cries out to know what has been the real secret of our wonderful ability to overcome similar obstacles and to effect the safety and happiness of our people. It is our duty to state the facts without delay, plainly, completely, and in such a form that they prove themselves.

This secret is not found chiefly in our constitutional or operative history, but rather in our wonderful concep-

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tion of the purposive functions of our federal, state and local governments, and the development and growth of these functions throughout the nation. It is the purposive side of our governments which is the outstanding and distinguishing and, until now, the practically unstudied feature of American Democracy.

Governments of the people and by the people are old, but purposive government for the people, as we have conceived it and developed it, was absolutely novel and is the thing which the world is begging to be told about. Governments to reign over the people and compel them to pay their taxes and obey their rulers and support an army were not new in 1776; but a government whose chief end was acceleratigly to promote the general welfare *irrespective of class* was new. Democratic purposive government was at the zero point with us and elsewhere when Washington, in 1789, started his first administration under the newly passed Constitution, with three strictly political, brought-from-England, old world cabinet departments—Foreign Affairs, Army (including Navy) and Treasury. Since 1789 we have gradually developed, among other federal bureaus, the following whose functions are not political, but purposive, economic and strictly those of government for the people; paternal, according to early English notions: The bureaus of American ethnology, animal industry, biological survey, census, chemistry, children, coast and geodetic survey, crop estimates, education, efficiency, engraving, public printing, entomology, farm management, farm roads and engineering, fisheries, foreign and domestic commerce, quarantine, geological survey, immigration, insular affairs, international catalogue of scientific literature, labor statistics, lighthouses, marine hospitals and relief, markets, medicine and surgery, mines, nat-

uralization, navigation and commerce, pensions, plant industry, public health service, reclamation, soils, war risk insurance, weather, standards and agricultural statistics. The same is true of the following commissions: California *débris*, for civil service, for federal trade, Indian affairs, joint international boundary and waterways, interstate commerce, Mississippi River, national forest reservations, fine arts, forest and industrial laboratories, mediation and conciliation, United States employees' compensation, vocational education, pecuniary claims, to investigate and study rural credits, to investigate the purchase of American-grown tobacco, land office and patent office. The functions of the great departments of Agriculture, Commerce, Labor, Interior and Post Office, headed by cabinet officers, are merely purposive, or applied paternalism and collectivism; and the same is largely true of many of the duties now performed by the older departments—State, Treasury, War, Justice and Navy.

This putting of our governments into all kinds of business to secure the blessings of liberty to ourselves and our posterity has progressed even faster, relatively speaking, in our states and cities than in the nation; so that now New York State, for example, maintains at least sixty purposive bureaus officially classified under seven heads, namely: regulatory, educational, agricultural, curative, charitable, protective and constructive.

These lists give us but a very imperfect idea of the wonderful history and growth of our government for the people, as the fruitage of our government of and by the people. Yet they may well startle us as the evidence of the whole-hearted way in which a government of and by the people has increasingly striven to effect the safety and happiness of that people, promote the general wel-

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fare and secure the blessings of liberty even under the most discouraging surroundings.

This absolute change in the objects or purposes of our government—from an endeavor by a potentate or some small class to reign over the people to an endeavor by a self-ruling people to help themselves by doing, through their government, many things which they could not hope to accomplish as individuals—has inevitably brought about an equally radical change in our conceptions of the meaning and functions of the four great governmental agencies, the legislature, executive, judiciary and political party, which we inherited from our English ancestry and our colonial experience.

Warned, as they thought, by English and colonial experiences, the early States made their legislatures supreme. Yet within one hundred years, for example, the New York legislature has had its powers cut down ninety-five per cent. by changes in the state constitution, and now does little but enact laws to establish, extend or modify the purposive functions of the state, city or local governments, or pass the intricate appropriation bills directly or indirectly made necessary by the constant growth of purposive government throughout the State. Without any change in the United States Constitution, the same process has turned Congress into a body engaged chiefly in enacting purposive legislation or appropriations.

Following the same precedents, New York's first constitution made her governor merely a figurehead and practically a puppet of the legislature. To-day he is the working head of a great organization reaching every hamlet and into the humblest home, about twenty per cent. of whose activities are devoted to ruling the people and eighty per cent. to helping them. Although under its first constitution New York's governor could not,

make a single appointment, he now names the heads of twenty-nine state commissions, eighteen state boards, twelve state departments and more than fifty sets of trustees or managers and other officials, who carry on the purposive functions of the State with working forces composed of experts and specialists, appointed and protected under civil service rules. The growth of purposive government has wrought a similar change in the relative importance of the President and Congress at Washington. Our Presidents are the working heads of a great purposive business machine, and no longer kowtow to Congress as did Washington and his immediate successors.

Our judicial systems were originally modelled closely after those of England and the colonies, and our growth in material wealth and in orderly procedure and respect for the law have enormously increased the business of our law courts; but our growth in purposive governmental business has made it necessary to confer more important and far-reaching judicial powers of a novel kind upon the new purposive agencies. These powers are much like those of a captain of a vessel at sea, where his judgment is supreme, and he is witness, judge, jury and sheriff at the same time, upon questions involving not only monetary rights, but even life, death and liberty. Every important purposive department, bureau or agency must be and is vested with the power to make its own rules and regulations, to call and examine witnesses, to inspect books and records relating to matters under its control, and to render and enforce decisions affecting its own duties and powers; usually with no right of appeal. Generally these judicial powers are not exercised by application to any ordinary law court or according to ordinary legal procedure, but on its own deck, so to speak,

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and in the absolute if not arbitrary manner in which the captain of a ship may act at sea. These novel quasi judicial powers of railroad, banking, insurance, health and other purposive commissions and bureaus involve the financial and economic rights of the nation, states, cities and local communities, and of the people themselves, as well as the rights of the individual, and are much more important and far-reaching in their scope than any dollars-and-cents interests involved in litigation between individuals in an ordinary court.

Lastly, in connection with the enormous growth of purposive functions, the fourth governmental agency which we inherited from our English antecedents, the political party, has lost most of its enormous influence, and now lags unhonored but not superfluous on the stage. Its former power to frame and enact constructive legislation, seriously affected by the change of legislative functions and by civil service, has largely passed over to such non-political associations as the Anti-Saloon League, the women's suffrage clubs, the American Federation of Labor and other similar agencies for formulating great public policies and educating and agitating the people until the policies are put into statutory form, but not by a strictly party vote. The passing away of its old-time functions will be hastened by the passing of the saloons.

Thus we shall find that the wonderful growth of purposive government has wrought as radical changes in our governmental systems as the growth of our commerce and industries has wrought in our transportation and manufacturing systems.

To make our proof convincing to ourselves and to the world we must call attention to the great definitions of purposive government set forth in the Declaration of Independence and in our federal and state constitutions.



We must show how, notwithstanding our ingrained English distrust of centralization and paternalism, we made our first essay in purposive government by setting our States and the nation to pay our dishonored Revolutionary obligations and other debts and to restore public and private credit by cashing out our only available asset, the unappropriated public lands. This has compelled the central and state governments, up to the present time, to make clear title to, survey, sell, defend and develop more than fifty times the area of New York State. Our States and the nation have raised and spent billions of dollars solely in opening and developing these lands, and in building, owning, operating or subsidizing toll or post roads, bridges, canals, stage coaches and lines, steamboats, railroads and other forms of internal transportation, and in aiding and protecting those who bought and settled upon these lands. Our post office grew because it was first developed as an active purposive agent to help the government to sell its lands by subsidizing or owning stage lines and by other like means. Quite contrary to all English precedents, we have developed education as a purposive function, until before this War twice as much money was annually raised by direct taxation for educational purposes as was raised by such means for the national expenses.

As a result of this development, more than eighty per cent. of the activities of our federal, state and local governments are purposive, of a kind unknown in our country before the end of the Revolutionary War in 1783, but begun on a large scale within six months thereafter.

The story of how such changes came about will demonstrate that a strong, trusted and stable central government by all the people, and not by classes, is an absolute prerequisite for successful purposive government.

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The wonderful growth of regulatory agencies will show the new governmental methods which must accompany purposive government. In a word, we shall prove, as we proceed, that the one distinguishing feature of American Democracy is the genesis of a unique form of government to help the people as an outgrowth of self-government by the people. We shall also prove the importance in our history of the strong checks and counterpoises which our forefathers provided against popular hysteria, and how, in these latter days, we are attempting to adapt the political parties so that they will serve purposive rather than political ends.

Few of our earlier experiments in government for the people were unqualified successes, but, on the contrary, were hampered by foolish or corrupt politics, and crude or false economic or social or political theories, and sometimes brought on or culminated in financial panics. Yet in all cases they were the endeavor of the people to get its full worth out of their political freedom which had been won after so many centuries of the struggles of their forefathers.

Thus we shall be able to set clearly before the world the origin, meaning and extent of purposive government as American Democracy has worked it out—slowly and often blunderingly, and perhaps without realizing what it was in fact doing. Also we shall demonstrate that the chief secret of our national success is that to-day we have far more purposive government and relatively less operative government than any other country on earth, and that under modern conditions a nation's true prosperity will be in proportion to its successful application of purposive government for the people as a whole and not by classes.

But, in addition, the world, and especially the Allied

world, must be warned that the path called "Marxian Socialism" is but a continuance of the road called "Prussian Autocracy," and is full of the worst features of Prussianism. Therefore, to make our own case complete we must prove the truth about Prussian Marxism, and indicate the course which should be pursued toward it.

Karl Marx was a Prussian, educated in a Prussian university, and his writings display all the mental and moral characteristics of a Prussian. His political philosophy is based upon an autocratic Prussian state, in which the proletariat, and not the Kaiser, is to be the autocrat—the dictatorship of the proletariat in a government based upon the exaggerated dominance of the State and of class hatred.

Marx's political theories have even less straightforwardness and altruism than the other members of the Prussian trinity—Prussian militarism and Prussian commercial methods. Like these, their basic characteristics, when opposed, are hatred, deceit, cruelty and other wickednesses which the Prussians have recently made so well known to the world. Marxian Socialists advocate and work for a ruthless social revolution by the proletariat throughout the world.

The Marxian state, besides being inherently criminal in its nature and methods, is also inherently unsafe because it is founded upon one class of the people; and history has demonstrated that any government by one class is sure to be oppressive, especially if the dominant class is the one least fitted by training for the business of governing.

Bolshevism, Spartacism and the I. W. W. are the legitimate brats of Prussian Marxism. Wherever Marxian Socialism becomes actually dominant in a country, its government is bound to be one of terrorism,

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violence and chaos, and sooner or later society as we now know it will be subverted. All Marxian Socialists admit that violence is a part of their theory, and they differ only as to the degree and amount to be used.

Because of these things, and especially because of its Prussian theories and methods of thought and action, Marxism as a working hypothesis can never furnish a proper or safe basis for a *constitution* under which a people can live happily or safely, nor for an *administration* of government which will be strong, trusted or stable. Therefore, a Marxian *purposive* government can never be high in thought or practice, or for the safety and happiness of the people.

Hence any form of government, even a Prussian autocracy, is better than Prussian Marxism, which must not even be flirted with, much less adopted; for its adoption and use must inevitably spell the death of the people who shall be ruled by it. Therefore every step taken by the world along the path of actually applied Marxism is a step toward ultimate death. Each step thus taken must eventually be retraced, and the journey then to be undertaken on the right road must be with a people which is disheartened, debased and unfitted for the new adventure.

Our democracy has increasingly been for all the people without respect of class. This was so even when only freeholders and those with a fixed income, the bourgeoisie, could vote. Much more must it be so from now on when all men and women are substantially equal before the law. Our chief danger in the future lies in the fact that a majority of our voters may be led away into the jungles of Prussian Marxism, which, under the seductive name of Socialism, always seeks to crystallize "the people" into classes and then stir up conflict and hatred between those classes.

Hence our answer to the world is that it must turn to Democracy as the true road toward purposive government, and seek better purposive government and more and more of it—not unconsciously and blindly, but more and more intelligently, wisely and unselfishly, and as the greatly-to-be-desired object of all liberal government. Furthermore, notwithstanding our failures and mistakes have been many as we endeavored to make bricks without straw and to evolve new instrumentalities to meet our novel problems, yet our progress has been steady and sure; while Marxism, even with the benefit of over one hundred and forty years of our experience, has brought only chaos and ruin in its very first actual application.

As our study progresses, the thought will recur constantly that Marxism would have failed absolutely to furnish the constructive power to work out successfully the problems which democracy triumphantly conquered.

## II

### THE AVOWED PURPOSES OF AMERICAN DEMOCRACY AND OF MARXISM

**A**LL great institutions and organizations are merely means to an end, to be improved and even replaced when they no longer accomplish the purposes, the end, for which they were created, or when a better means for accomplishing that end has been found.

This is most true of a governmental organization and its machinery and operation. The Declaration of Independence distinctly tells us that any governmental organization is to be regarded, not as sacred, but as a mere piece of machinery or process of operation which is to be improved or even replaced as often and as far as the great purposes which it was designed to fulfill make such improvement or replacement desirable. The Declaration solemnly formulates the purposes of every great and successful democracy—to secure men's unalienable rights to life, liberty and the pursuit of happiness and to effect the safety and happiness of its people; but it as solemnly asserts that the governmental means of reaching those purposes are variable and a mere matter of efficiency and expediency.

No other people ever avowed so clearly as ours the purposes or objects for which it was forming its state and national governments. The first of these avowals was set forth in the Declaration of Independence on July 4, 1776. Shortly thereafter the Continental Congress asked the thirteen States to adopt, in the place of their respective colonial charters, state constitutions embody-



ing the principles of the Declaration, and this was done. After thirteen years of war and ensuing chaos (in 1789) the United States Constitution was put into operation. The preambles of the Declaration of Independence and of the state and United States Constitutions show how the great founders of our governments put their chief emphasis upon the purposes of these governments and regarded their form and methods of operation as secondary. These lofty purposes of true democracy, which even yet we have realized only in part, were announced at a time when the States were at loggerheads, and, like the nation, were hopelessly bankrupt; when England and France had the most corrupt governments in their history; and when the outlook for the peoples of the world was far darker than at present. Yet out of this chaos, the guiding principle of every true democracy, government for the people, was to create the greatest nation of the world.

*Preamble to the Declaration of Independence,  
July 4, 1776*

"The representatives of the united States of America in general congress assembled . . . and by authority of the good people of these colonies . . .

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed [government of the people]. That whenever any form of government becomes destructive of these things, it is the right of the people to alter or to abolish it and to institute new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely [government by the people] to effect their safety and happiness [government for the people]."

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### *First State Constitution of Pennsylvania, September 28, 1776*

"Whereas all government ought to be instituted and supported for the security and protection of the community as such, and to enable the individuals who compose it to enjoy their natural rights and the other blessings which the Author of Existence has bestowed upon men; and whenever these great ends of government are not obtained, the people have a right, by common consent, to change it and take such measures as to them may appear necessary to promote their safety and happiness, . . .

"We, the representatives of the freemen of Pennsylvania, in general convention met, for the express purpose of forming such a government, confessing the goodness of the great Governor of the Universe (who alone knows to what degree of earthly happiness mankind may attain by perfecting the arts of government) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty to establish such original principles of government as will best promote the general happiness of the people of this State and their posterity, and provide for future improvements, without partiality for or prejudice against any class, sect or denomination, do ordain . . .

"I. That all men are born equally free and independent, and have certain natural, inherent and inalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."

### *First State Constitution of New Hampshire, June 2, 1784*

"I. All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.

"II. All men have certain natural, essential and inherent rights; among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and, in a word, of seeking and obtaining happiness.

"III. When men enter into society they surrender up some of their natural rights to that society in order to insure the protection of others; and without such an equivalent the surrender is void.

"IV. Among the natural rights, some are, in their very nature, unalienable, because no equivalent can be given or received for them. Of this kind are the RIGHTS OF CONSCIENCE."

### *The First State Constitution of New York, (1777)*

After giving the Declaration of Independence verbatim, the Constitution of New York State recites that, by virtue of the action taken thereunder,

. . . "all power whatever therein (New York State) hath reverted to the people thereof, and this convention hath by their suffrages and free choice been appointed, and among other things authorized to institute and establish such a government as they shall deem best calculated to secure the rights and liberties of the good people of this State, most conducive of the happiness and safety of their constituents in particular and of America in general."

### *The Constitution of the United States (Taking effect in 1789)*

"Preamble: We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish for the United States of America . . ."

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Special attention is called to the fact that these fundamental documents of our democratic government do not mention classes in any way, but emphasize the fact that all men are created equal and endowed with certain unalienable rights, including life, liberty and the pursuit of happiness. The rights to be protected are those "of the community as such and . . . the individuals who compose it." Furthermore there is a careful distinction drawn between political rights or liberty and the *blessings* of liberty which men should have and enjoy.

It is proper and will prove instructive at this point to quote Karl Marx, in order to contrast with these simple but grand statements of the objects or purposes of our governments, the objects or purposes which Marx and his co-laborer, Engels, laid down almost a century later.

Of the Manifesto, composed by himself and Marx, Engels says:

"The Manifesto being our joint production, I consider myself bound to state that the fundamental proposition which forms its nucleus belongs to Marx. That proposition is that in every historical epoch, the prevailing mode of economic production and exchange, and the social organization necessarily following from it, form the basis upon which is built up and from which alone can be explained, the political and intellectual history of that epoch; that consequently the whole history of mankind (since the dissolution of primitive tribal society, holding land in common ownership) has been a history of class struggles, contests between exploiting and exploited, ruling and oppressed classes; that the history of these class struggles forms a series of evolution in which nowadays a stage has been reached where the exploited and oppressed class—the proletariat—cannot attain its emancipation from the sway of the exploiting and ruling class—the bourgeoisie—without, at the same time, and once for all, emancipating society at large from all ex-

ploitation, oppression, class distinctions and class struggles. That view of the course of history which seeks the ultimate cause and the great moving power of all important historic events in the economic development of society, in the changes in the modes of production and exchange, in the consequent division of society into classes against one another."

Marx himself says:

"In the social production which men carry on, they enter into definite relations that are indispensable and independent of their will; these relations of production correspond to a definite stage of development of their material powers of production. The sum total of these relations of production constitutes the economic structure of society—the real foundation, on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political and spiritual processes in life. It is not the consciousness of men that determines their existence, but, on the contrary, their social existence determines their consciousness. At a certain stage of their development, the material forces of production in society come into conflict with the existing relations of production, or—what is but a legal expression of the same thing—with the property relations within which they had been at work before. From forms of development of the forces of production these relations turn into their fetters. Then comes the period of social revolution. With the change of the economic foundation the entire immense superstructure is more or less rapidly transformed. In considering such transformations the distinction should always be made between the material transformation of the economic conditions of production, which can be determined with the precision of natural science, and the legal, political, religious, æsthetic or philosophic—in short, idealological—forms in which men become conscious of their conflict and fight it out."



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"To Hegel," Marx declared, "the life processes of the human brain, *i. e.*, the process of thinking, which under the name of 'the Idea' he even transforms into an independent subject, is the demiurgos of the real world, and the real world is only the external, phenomenal form of 'the Idea.' With me, on the contrary, the ideal is nothing else than the material world reflected by the human mind and translated into terms of thought."

Karl Marx, as a Prussian materialist, based his philosophy, not upon the general welfare, patriotism or any other idealism, but upon the assumption that society is divided into permanent classes in the struggle for wealth, and that those who employ exploit and oppress those who labor. Thereby a class struggle or class war is caused which must continue until the laboring class can not only conquer the employing class but destroy them as a class and substitute the State for them. This is contrary to English and American history and philosophy. Our great struggles have been for political, not industrial, freedom; that is, for the right of the individual to carve out his own career. Democracy is founded and has grown, not upon class hatred, but upon the coöperation for the general welfare between all classes of society, of a more and more wonderful and varied nature and to a greater extent.

The inherent falsity and baseness of Marx's political philosophy are shown by the words which he uses to express the objects or purposes of his scheme. The word *proletarii* (from *proles*, children) was used in Rome as a term of obloquy or reproach, to describe the very lowest class of the population who were of no value to the State except as "children-breeders." The word *bourgeoisie* originally meant the town dwellers of France who rose against the aristocracy in the French Revolution,

Marx as a Prussian university graduate and scholar knew the value and meaning of the terms which he used. Therefore the true meaning of his objects or purposes are illuminated by his proposal to improve political and social conditions by establishing, through a social revolution, the dictatorship of the lowest class over all other classes, including the solid middle class which has been the source of all reforms during the past three centuries. Our national and state development of purposive government, founded upon absolute political and individual liberty, demonstrates why we have never had and never can have a proletarian class. If the word proletariat signifies, nowadays, the daily wage earning class who have no property, our history shows that substantially all our property owning class has come very recently from the daily wage earners, who have been chiefly recruited from the European proletariat. These immigrants have found political freedom, universal education and unheard-of economic opportunities awaiting them and their posterity. These blessings of liberty, in the form of purposive government, have come, not from class conflicts and the social revolutions of the lower class, but from the orderly evolution in government initiated and carried through by the voluntary action of the bourgeoisie class; not from below upwards, but from above downwards—a fact which will become more and more evident as the history of our purposive government unrolls before us.



### III

## THE PRUSSIAN RUTHLESSNESS OF MARXIAN SOCIALISM

**W**E cannot understand the development of the American nation unless we appreciate that it has been the conscious and unconscious working out through one hundred and forty years of the ideals and spirit of English and American political thought and philosophy so well embodied in the Bill of Rights and the Declaration of Independence. Only when we realize this view of our history can we understand how a President of our people, in the midst of the greatest civil war in history, during which he had been assailed and reviled beyond measure, could utter those words which we prize as among the greatest spoken by any man of our race or nation :

“With malice toward none; with charity toward all.”

Or how, only a generation later, another beloved President could declare that the hates and antagonisms of that Civil War should be forgotten and forgiven, and that Memorial Day should commemorate the bravery alike of the Blue and the Grey.

In precisely the same way, when we would compare the true purposes of American Democracy with those of Marxian Socialism, we must know the national spirit and ambitions, and the national concept of right and wrong, of ethics and of the equities between man and man, which environed Karl Marx in his youth, and in his

school and university days. These necessarily colored his thoughts as a philosopher and political reformer, and likewise have imbued his Prussian disciples and followers ever since. As George Washington, though the richest man of his country, was the embodiment of English Americanism, so Marx, in his political philosophy, was the embodiment of Prussian Prussianism—the pitilessness of Prussia in Belgium and Serbia—advocated to be used in a pitiless social revolution of the proletariat against the bourgeoisie: the might of the proletariat to justify the right of its revolt.

Karl Marx was born a Prussian, in 1818. He took his university course at Berlin, a Prussian university. His chief collaborator was Engels, a Prussian. Marx's conception of the state which was to apply his theories of social hatred was modelled upon the state-ocracy of Prussia—although his was to be a Prussian proletariat-ocracy; a Prussian state of, by and for a proletariat bred and steeped in Prussian ruthlessness. Therefore we must treat Marxism as we would any other product of Prussianism, and from that standpoint examine the underlying thoughts—hatred, deception, cruelty, selfishness and unfairness, and the political and individual ruthless oppression—in which Marx was taught and grew up, which drove him from Prussia into abject poverty in Paris and London, and which necessarily made Marxism what it is, a world-wide and ruthless social revolution, and Bolshevism its legitimate offspring; and which differentiate it from anything English or American in origin or thought.

As we shall see later in regard to American Democracy, the purposes, the ambitions of a race gradually, but inevitably, mold its character, its outlook upon the future, its will to progress, peacefully and benignly or by unfair

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inhuman and pitiless conquest, in certain great fields of human thought and activities. These determining national characteristics may lie dormant or unsuspected until some great exigency tries out the nation or the race, just as it does an individual. Such cataclysms reveal the latent strength or the inherent weakness of the moral and political fibre of a people, and give to others and sometimes to themselves an entirely new and different judgment as to their race concept and national ideals, and reveal the fundamentals of the country's character.

Just as truly, such a national concept of right and wrong, of ethics, of the equities between man and man and of the relations of the State to the individual, are part of the life blood and moral nature and education of those brought up with a knowledge of their fatherland's history and philosophy and race thought.

To a superlative degree the world has witnessed the complete development and revelation of the true character and underlying thought of a race when Germany undertook this war. We know now that her horrid and malign course has been but a tragic exposé of the fruits of the fixed policy and philosophy which Frederick the Great bequeathed to his Hohenzollern successors in Prussia and with which fifty years ago they inoculated the other German states. The following choice bits of political philosophy are from the posthumous volumes of Frederick the Great, whose life was one long course of fraud, intrigue, falsehood, vice and dissipation.

"There is only one person in the kingdom—that is myself."

"If a ruler is obliged to sacrifice his own person for the welfare of his subjects, he is all the more obliged to sacrifice treaty engagements, the continuance of which would be harmful to his country."

"When he is about to conclude a treaty with some foreign power, if a sovereign remembers he is a Christian he is lost."

"If there is anything to be gained by it, we will be honest; if deception is necessary, let us be cheats."

"One takes when one can; one is wrong only when one is obliged to give back."

"Kindle and prolong war between my neighbors. If possible, the powers of Europe should be made envious against one another in order to give occasion for a coup when the opportunity arises."

"Do not be ashamed to make interested alliances in which you yourself can derive the whole advantage. Do not make the foolish mistake of not breaking them when you believe your interests require it."

"Form alliances only in order to show animosities."

"Always promise help and never send it."

"No ministers at home, but clerks. No ministers abroad, but spies."

Bismarck rounded out this national philosophy when he said:

"Not by speeches and the resolutions of majorities are the questions of the time decided, but by iron and blood."

Frederick Wilhelm IV said that "all written constitutions are only scraps of paper," which carried that historic phrase back many decades. Cæsar, almost nineteen centuries ago, wrote that the Germans were taught war and rapine from the cradle up. Goethe said:

"The Prussians are cruel by nature; civilization will make them ferocious."

That there has been no change in their teaching is shown by the following extract from a weekly paper for the youth of Germany, which fills somewhat the same field as the *Youth's Companion* with us. Think of such

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sentiments in a similar publication in England, France, Belgium or America!

"War is the most august and sacred of human activities. . . . For us, too, the great joyful hour of battle will one day strike. . . . Deep in the German heart must the joy in war and the longing for war endure. . . . Let us laugh with all our lungs at the old women in trousers who are afraid of war, and therefore complain that it is cruel and hideous. No! War is beautiful. Its august grandeur elevates the heart of man high above all that is commonplace and earthly."

That Wilhelm II was born into such a race thought and is the great prototype of Prussianism is shown by the following prophetic description of the young emperor, by Harold Frederic in a letter in the *New York Times*, April 2, 1888.

"In the same way you look into the face of this young heir of the Hohenzollerns and remember the malignant tales that have been told of his inner nature by those who know him best. Apparently all the women—at least all the English women—who have had to do with the bringing up of Prince Wilhelm hold him in horror and detestation. Their dislike for him is based upon a general conception of his character. This view is that he is utterly cold, entirely selfish, wantonly cruel; a young man without conscience or compassion, or any softening virtues whatever. . . . It seems very probable that some future Taine, a century hence perhaps, will write to show that Wilhelm II of Prussia was a mysterious belated survival of the ante-mediaeval Goths and Vandals—an Attila born a thousand or more years after his time."

In the light of Germany's growth in material and industrial wealth and power, we must concede that Wilhelm II has been the world's greatest captain of industry.

We now perceive that this was because all his efforts and those of the ruling spirits and parties of Germany in industrial, economic and financial growth were part of a military scheme and system for world conquest. The purpose of his government was the destruction of his rivals.

Out of these conditions, ambitions and outlook upon the future has grown the Prussian as we know him to-day.

Nietzsche said:

“Deep in the nature of all these noble races there lurks unmistakably the beast of prey, the blond beast, lustfully roving in search of booty and victory.”

The literature of the Germans shows that their ruling thought has been hatred of their fellow nations and determination to rule the world at any cost of life, treasure or civilization. Vierordt voices this sentiment:

“Oh, Germany, hate now! Arm thyself in steel and pierce with thy bayonet the heart of every foe. No prisoners! Lock all their lips in silence. Turn our neighbors' lands into deserts!”

When we analyze the German government, we find that under Bismarck's wonderful prescience and Wilhelm II's development of Bismarck's plan, the source of governmental authority in Germany was *of* the Kaiser. The conductive functions of government were *by* the Kaiser, having gradually been changed by him so that all government was by himself. Furthermore, whatever may be the outward forms, the objects or purposes of the government were *for* the Kaiser, to carry out his undisputed and indisputable will.

“The spirit of the Lord has descended upon me be-



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cause I am the Emperor of the Germans. I am the instrument of the Almighty! I am His sword, His agent. Woe and death to all those who shall oppose my will! Woe and death to those who do not believe in my mission! Woe and death to the cowards! Let them perish, all the enemies of the German people. God demands their destruction! God, who by my mouth bids you (the army) do His will."

Thus the Prussian Incarnate spoke to his army, the chief instrument in his government. Hatred and envy of his neighbors filled the Kaiser's heart, and he was careful to make sure that these became the watchwords in the daily lives of his army, his navy and his people. Dr. Wilhelm Mühlton, who in 1914 was a director in the vast munition works of the Krupps and cognizant of the plans and schemes of the militaristic party, writes thus:

"Disgusting hypocrisy and cunning, contempt for the people, and criminal anxiety manifest themselves in this official piety. It aims at nothing but the sanctification of falsehood, the adoration of brutality, the deification of Wilhelm II."

Truth and honor were to be used only to cloak a spy system which sought to weaken the rest of the world by spreading dissension and untruth among other nations. For thirty years, evidently, the most solemn treaties have been, in Prussian eyes, mere scraps of paper. The conventions of nations, in which Germany joined, to make war less horrible and the position of the weak and innocent in war more bearable, were simply cloaks to a policy of frightfulness which no other nation, civilized or uncivilized, has ever begun to equal. Frightfulness was as large a part of the Kaiser's military system as the goose step or the attack in solid formation. Tannenberg, in 1911, said:



"War must leave nothing to the vanquished but their eyes to weep with. Modesty on our part would be only madness."

Von der Goltz put his own words into effect in Belgium:

"It is better to let a hundred women and children belonging to the enemy die of hunger, than to let a single German soldier suffer."

Thus Germany proved how little sincerity there has been in her joining the Hague negotiations of recent years to make more bearable and human the life of civilians in a country overrun by war. Von Hartman said:

"Terrorism is seen to be a relatively gentle procedure, useful to keep in a state of obedience the masses of the people."

Thus Lenin's theory of government as set forth by himself in Chapter IV is seen to be the direct result of Prussian theory and practice. He shows that terrorism was necessary to make the majority of the Russian workmen and peasants "consciously adhere to the principles of Bolshevism," and "when the revolution is most in danger the dictatorship (terrorism) must be most pitiless."

It was in such an environment that Marx was born and brought up; in such a race thought that he was trained; in such a spirit that he undertook to evolve the social philosophy which was to better the condition of the underdogs of his time, the proletariat. His was to be the Prussian method as distinguished from the American, which was in full swing when Marx commenced to write three-quarters of a century ago.

Therefore it is fair, enlightening and necessary to com-

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pare his philosophy and basic thoughts with those of the Declaration of Independence and the United States and state constitutions, and to contrast the destructive properties of Marxism and Bolshevism and the constructive work of our democracy.

The analysis of governmental functions into their constitutional, operative and purposive activities enables us to see that Marxian Socialism, as taught and practiced, makes a hodge-podge of the constitutional, operative and purposive functions of the government, and mixes them with many social, economic and financial theories which have nothing to do with government or politics. Therefore we must carefully dissect this unfortunate commingling of various governmental and economic theories if we are to make the teachings of American Democracy of value to the world in general.

Furthermore Marx, living in dire poverty in London sixty years ago, based his theories upon the constitutional, operative and purposive governmental functions and upon the financial and economic conditions as they then existed in Prussia and throughout monarchic Europe, but he had no clear idea of the differing constitutional, operative and purposive functions of government as we have worked them out. Moreover all the governmental conditions of his time have been revolutionized by the political changes of the past half century and by the prevalence of universal suffrage. The economic and financial conditions have been changed by improvements or discoveries in manufacturing, and in land, marine and air transportation and in the telegraph and telephone. The growth of democracy and of liberalism in the world has swept away at least eighty per cent. of the political and economic foundations upon which Marx built his governmental and economic theories.

#### IV

### PRUSSIAN MARXISM HAS RUN TRUE TO TYPE WHEN ACTUALLY APPLIED

**F**ORTUNATELY it is a condition and no longer a mere theory which confronts us. We can now judge exactly whether Marxism is Prussian in origin and thought and whether its development through actual application must prove that it is also Prussian in method. At last the Marxian theory of the past fifty years has been put into actual practice, and subjected to the hurly-burly of active partisan and party politics and to the strain of trying to work out the daily problems of a nation's life. The theory has become a political working hypothesis and has produced—Bolshevism and Spartacism. A few months of this first actual trial of Marxian Socialism as a working hypothesis were sufficient to convince us that it does run true to its Prussian type, and that it does not and cannot bring better constitutional, operative or purposive government, or improve social, economic, political, ethical or other conditions, and that it is far worse than a mere reversion to primitive barbarism. It aims at nothing less, as it claims, than the subversion of all governments, democratic and republican as well as monarchic, as heretofore understood. At last we have the facts in regard to Prussian Marxism upon which to base our deductions.

As soon as this product of Prussian thought and materialistic philosophy and autocratic governmental practice became the working hypothesis of a dominant political party, its true character was perfectly evident;

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but it required such an actual application and demonstration to make the world realize the absolute antithesis between democracy and Marxian Socialism. Any further demonstration should be unnecessary. Bolshevism or Spartacism has been the form taken by Marxism wherever fully applied in central and eastern Europe. There can never be such a thing as a cross between Marxism and democracy, a Marxistic democracy, any more than there can be a mermaid or a faun or a centaur. The sooner the democracies of the world realize this, the better it will be for the world.

Vladimir Lenin, the chief figure in Russian Bolshevism, recognized that Bolshevism was the first actual application of Marxism; for he said, in an interview in the *New York Times*:

"We have committed many errors in the past, but our disappointments and difficulties were inevitable, for it was impossible to foresee how the social philosophy of Marx, which had never been put into practice before, would work out in actual government."

We find that, in the actual application of Prussian Marxism, the state or government must be the dictator and not the servant of the people, and that the people must be beaten into a pulp, if necessary, to obtain their obedience to the theories and practice of those who are temporarily at the head of the nation. This, too, is borne out by Lenin in the interview already quoted from, when he naïvely shows the brutal methods by which alone Marxism can be introduced as a working hypothesis.

"The first aim of every political party must be to convince the majority of people that its program is right. This task, although far from being absolutely achieved, is now in a great measure solved, for the majority of

the Russian workmen and peasants to-day consciously adhere to the principles of Bolshevism.

"The second problem is the conquest of political power and the suppression of resistance on the part of the capitalist classes. This problem could only be solved by means of a dictatorship of the proletariat, which consists, so to say, in a permanent state of war against the bourgeoisie. The people who protest against 'acts of terrorism' committed by the Communists entirely forget what the term dictatorship means. Revolution is in itself an act of terrorism. The word dictatorship in all languages means simply the rule of terror. It is likewise evident that when the revolution is most in danger the dictatorship must be most pitiless.

"At first the danger was very great in Russia and the dictatorship proportionately severe. To-day it is considerably less and we can almost dispense with terrorism."

This may be true of Marxism. It is not true of American Democracy. Contrast this version of Marxian Socialism with the theory of American Democracy as formulated on March 2, 1780, in the preamble of the first constitution of the State of Massachusetts; and then choose between American Democracy and Prussian Marxism.

"The end of the institution, maintenance and administration of government is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

"The body-politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that it shall be governed by certain laws for the common good. It is the duty of the people,

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therefore, in forming a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them."

Lenin admitted that his government worked its printing presses as fast as possible to turn out paper money; but he says:

"not in order to fill the coffers of the State with practically worthless paper, but with the deliberate intention of destroying the value of money as a means of payment. There is no justification for the existence of money in a Bolshevik State where the necessities of life shall be paid for by work alone.

"Experience has taught us it is impossible to root out the evils of capitalism merely by confiscation and expropriation; for however ruthlessly such measures may be applied, astute speculators and obstinate survivors of the capitalist classes will always manage to evade them and continue to corrupt the life of the community. The simplest way to exterminate the very high spirit of capitalism is, therefore, to flood the country with notes of high face value without financial guarantees of any sort.

"Already even the hundred rouble note is almost valueless in Russia. Soon even the simplest peasant will realize that it is only a scrap of paper not worth more than the rags from which it is manufactured. Men will cease to covet and hoard it so soon as they discover it will not buy anything, and the great illusion of the value and power of money on which the great capitalistic state is based will have been definitely destroyed.

"This is the real reason why our presses are printing rouble bills day and night without rest. *But this simple process must, like all measures of Bolshevism, be applied all over the world in order to render it effective.* Fortunately the frantic financial debauch in which all the governments have indulged during the war has paved the way everywhere for its application."



Thus, while our working people are striking for higher wages, Prussian Marxism is striking at the root of all wage earning, and proposing to bring us back to the days of barter. Barter is impossible except under rural conditions and among neighbors. It is impossible where long transportation and banking are involved. Therefore with the universal disappearance of money and credit as mediums of exchange would come also the practically universal disappearance of all important manufacturing, commerce and transportation, and also of all large cities. Mankind would be thrown back to the most primitive conditions, and become again peasants and small local traders and mechanics existing by barter. Money and credit are the life blood of modern trade and commerce. If all the coined and uncoined gold and silver in the world were poured into the United States, they would not suffice to replace one-half of the credits which that country alone now requires in its daily transactions. There is in the minds of those who are now in power under Marxian socialistic or Bolshevist governments in Europe the distinct recognition that the legitimate end of a proletariatocracy must be the loss to the individual, possibly of his own life and those of his own immediate family, if he opposes the terrorism of the new government; and also the loss of our present conceptions of liberty and of the individual's right to acquire, possess and protect his own property; and that in order to be a success Bolshevism must be applied throughout the world.

In Scandanavia and other European countries the Bolshevist wing is in control of the Marxian party, and proposes to apply Bolshevism if the Marxists obtain power. They are determined to enforce a workmen's dictatorship which works out into a dictatorship of the minority.



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In our own country the left wing of the American Socialist party has solemnly stated its purposes as follows:

"The party shall make the big industrial fights its main campaign in order to develop the sentiment for the blow of the general proletarian emancipation.

"The basis of our political campaign shall be the downfall of capitalism through the proletariat seizure of the political power and the establishment of a dictatorship of the proletariat.

"To have a political organization act as a clearing house for proletarian thought and a centre for political education for the development of proletarian class action.

"To win representatives in public offices who shall act as propagandists for the social revolution.

"To hold our appeal for the proletarian revolution in the foreground, and to analyze the proposals and reform palliatives of the reformers, and to recognize the development of the class conflict in all capitalistic nations.

"To make the party organization an organ for contact with the revolutionary proletarians of all other countries and to make propaganda in such countries. The basis for international association is political understanding and a general plan of action which develops unity as the international crisis develops."

Thus throughout Europe and America the accession of Marxian Socialism to political power and its subjection to the evils and strain of political party government show that its tendency is distinctly toward anarchy and chaos and ochlocracy; toward the destruction of the ideals and agencies which have created the social fabric of Christendom and the ideals and hopes upon which modern society has been built.

In other words the introduction of Prussian Marxism tends directly to the subversion of all the idealism of Christendom or of any other great civilization in human history.

Nevertheless this phase of Marxian Socialism is not its worst. In a short time Bolshevism and Spartacism are sure largely to work out their own destruction. No people will tolerate their actual operations for a long period. On the other hand Marxism is truly insidious in the manner in which it undermines democracy and all liberal government. By its false premises, lies and misrepresentations it has made a large part of the Christian world believe that there was true constructive power for good in Marxism and that it could accomplish much which democracy has failed to do. As we pursue our subject we shall see that Marxism, when it came into power in Russia, had many advantages which democracy did not have in America between 1775 and 1789 and thereafter. Yet Marxism has made a wilderness and a byword of Russia and wrought a destruction in her ideals and material resources which fifty years cannot overcome.

We must now consider how American Democracy overcame evils which were far greater than those in Russia in 1917. Then only can we appreciate the terrible harm that has been done in this country by our failure to see the real meaning and secret of our democracy, and how it was being undermined by the constant preaching of the power of Prussian Marxism to accomplish impossibilities which has been spread throughout our country by immigrants who are not English or American in their ideals, theories or experience.

In order to appreciate the constructive power of democracy to solve acute and chronic political and social evils, and even to evolve new instrumentalities for such solution, we must ask ourselves constantly how a dictatorship of the proletariat would have met and conquered the successive problems which have marked our history.

## V

### THE THREE ASPECTS OF ALL GOVERNMENTS

**T**O be able to grasp the full meaning of the underlying purposes of true democracy as illustrated in our history, we must readopt the classification of the functions of such a government so wonderfully expressed in the Declaration of Independence, and so woefully overlooked ever since by our scholars and courts and by all the rest of us.

Every government presents their functions in three different aspects: its source of authority, its conduct or operation, and its purposes or objects. This is true whether it be an absolute monarchy or a pure democracy, or anything between these extremes; a hierarchy, an aristocracy, a bureaucracy, a proletariocracy, or any combination of any of these forms.

Its source of authority may be set forth in a written or unwritten constitution, or, in the older lands, be based upon mere historical tradition. It may be a government where the source of authority, the dominant power, is *of* a czar, a kaiser, an emperor, king, hierarchy, hereditary nobility, proletariat, or *of* the people; or a combination of some of these. Except in very new countries or after an overwhelming revolution, a nation's constitution has usually been determined by gradual growth through centuries. In modern times, as the spirit of the world tends in that direction, and as our own country becomes more and more an example of the peace and prosperity of a

pure democracy, governments are becoming more and more liberalized and democratized; more *of* the people and less *of* the potentate or *of* a hereditary ruling class.

For our present purposes we may say that the source of authority of a government covers its *constitutional* or authoritative side or aspect or functions, which are pretty firmly established unless radically changed through a revolution or the adoption of a new constitution.

The next aspect of a government is its *conductive* or *operative* side—its method of conducting or operating its governmental machinery. It may be conducted *by* officers and agencies appointed by and solely responsible to an absolute monarch, or *by* an autocrat with a bureaucracy or hereditary nobility, or *by* a religious potentate, or *by* the people in connection with an hereditary nobility, with a power of veto in the king, or by a coterie or dictatorship of the proletariat or other class, or *by* any combination of these methods; or solely *by* the people—a democracy. The methods of operating its machinery differ widely with and, from time to time, in each government. The chief things upon this side of a government are its methods of exercising its executive, legislative and judicial functions, and the guidance or control of these by political parties, court cliques, powerful private interests, or other outside influence not officially recognized and controlled, or by the terrorism of a dictatorship of any kind. The legislature may have varying forms, functions and rights. There may be one or two legislative houses, or even soviet councils, with undefined or distinctly defined powers. The duties and powers of the executive and of the judiciary may differ, as may the sources of taxes and the methods of levying, collecting and expending them. The political parties may be partly or wholly unsupervised by the State. All these matters

relate to the operation or conduct of the government, regardless of its source of authority or its purposes. As distinguished from the *constitutional* functions, they are *operative* or *political* in their nature, because their actual operations and results are largely determined by political or court parties, or the potentates or other political forces dominant at the time. Neither the constitutional nor conductive functions are anything more than means to the great ends or purposes of that particular government.

The third aspect is that of the *purposes* or *objects* of a government. *For* whose ultimate benefit is the government actually operated? *For* the enhancement of the power or other benefit of a monarch, with or without a bureaucracy or hereditary nobility? *For* the general welfare, liberty, safety and happiness of the people in every sense of the word, including the rich and the poor, the high-born and the lowly, the educated and the illiterate? Or *for* the people only in a limited and begrudging way? Or *for* one class of the population at the expense of and to the manifest harm of the other classes?

Possibly, in the course of historical development, the objects which the government seeks to reach have changed only partially from those of an absolute monarchy to those of an absolute democracy, and its *objective* or *purposive* functions are still in a state of flux, but constantly tending toward liberalism. These beneficial objects in liberal government may be essentially economic, financial, social, charitable, correctional, or even humanitarian and esthetic, as distinguished from its source of authority or *constitutional*, and its *operative* or *political* aspects and functions. Or the objects and purposes may be to destroy the social order and the bourgeoisie and their fruits for the alleged benefit of the proletariat.

The underlying thought of true American Democracy

is that the government shall be instituted and more and more conducted by the people for their own ultimate benefit. After thirteen years of war and resulting chaos and bankruptcy, the people of the United States met and absolutely adopted this policy in 1789, when it was novel. They went further and also determined that they would fix such strict constitutional forms and methods of operating their governments as they then deemed best adapted to carry out these purposes. In addition, they reserved to themselves and their posterity the absolute right to improve, amend, modify or replace any form or operation of their governments if changing conditions should make this wise or desirable. Therefore our federal and state constitutions provide orderly ways in which they may be amended or replaced to meet any possible contingency which may arise in the future. Already there have been eighteen amendments made to the United States Constitution and over 2,200 amendments proposed in Congress. The States have frequently adopted partial amendments or complete new constitutions. New York has had four complete constitutions, adopted in 1777, 1821, 1846 and 1894 respectively, with many *interim* amendments. The provisions of the forty-eight state constitutions differ widely among themselves.

The objects or purposes of our governments have never changed since they were so simply and grandly stated on July 4, 1776; but ever since their constitutional forms and political operation have been in a constant state of evolution, growth and flux throughout the length and breadth of our land.

Inevitably, all modern governments must present these three aspects: source of authority, operation and purpose; government *of*, *by* and *for* some potentate or class, like the proletariat, or nobility or bureaucracy, or *of*, *by* and



for the people, or any cross between these ways of handling the constitutional, operative and purposive functions.

There can be no doubt as to where those who drew the Declaration of Independence and our first constitutions placed the emphasis. To them the purposes or objectives of a government were the great end of its institution; and they felt and said that in a democracy the constitutional and operative functions were simply means to that end—to be varied at the people's pleasure. Even the unalienable rights of man were merely philosophic theories unless quickened into action and life by the exercise of governmental functions or operations whose purposes were to ensure to all the people and their posterity their safety, the pursuit of happiness, the general welfare, and the other blessings of their liberty. More than any other government in the world's history, ours has avowedly been a purposive government designed to get for the people all the possible advantages which it was feasible then and there to get under a pure democracy.

In the second place, we must revamp our thoughts of the working machinery or actual operation of our state and federal governments, and recognize that this machinery consists, in fact, of four rather than three parts or elements. Our first constitutions and laws provided only for the executive, legislative and judicial branches, and failed to take official cognizance or control of the operations of the fourth element or part—the political parties. The legitimate functions of the parties are honestly and in a broad-minded way to organize and educate the voters, nominate and elect the candidates, formulate and advocate public policies upon which the people must decide from time to time, and in every way help toward good government for ourselves and our



posterity. We failed officially to recognize that the political parties, in the form in which we inherited them from our English and colonial ancestors, would be utterly unadapted to cope successfully with the new problems which would arise from and with American purposive government—solely *for* the people. Therefore we adopted methods which allowed our political parties to become the instruments of selfish or corrupt men; too often turned them against the real purposes of good government; and filled our history with crimes, wrong-doings and failures. These were unnecessary except as they were a part of our purposive education and evolution, but we must drag them into the light and look at them calmly if we would understand the causes of these crimes, wrong-doings and failures, and thus make our experiences of value to ourselves and the world. Fortunately, we have in part already unconsciously corrected this error in our operative government, as we shall see at the proper place.

The unseen influence and the malign power of our officially unrecognized and uncontrolled political parties have corresponded in nature and results to those of “the court” or back stairs cabinet in a monarchy; and because our country has been so great and rich, the opportunities of our bosses for political graft and wrong-doing have been correspondingly greater than those of any court favorites or cliques in modern times. Especially baneful have been these effects in our cities and other local governments which have often smelled to heaven, and have necessarily affected the political conduct of all other parts of the state and national governments, and correspondingly set back all attempts at wise and far-seeing good government.

Evidently the political party has been the weak spot in

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every liberal form of government wherein the people are, in whole or in part, attempting to get good government. Much more must it be the fatally and criminally weak spot in Marxian socialistic governments, where the many cliques of radicals and faddists and criminals put political bargaining at premium and make it a fine art, and render it impossible to have a strong, trusted and stable government for any length of time. Sooner or later this must lead to chaos and ochlocracy—to the replacement of even the government of Kerensky by that of Lenin and Trotsky. Ochlocracy (*ochlos*, mob, *kratos*, power), the rule of the mob, was the word which Victor Hugo used to denote government of the mob during the French Revolution.

*Government for the people* is usually in the first person plural as distinguished from those political entities known as the country, the nation, the states or other local units, or their governmental agencies. The preamble of the United States Constitution rises to this climax when it recites that "*We*, the people of the United States, . . . do ordain and establish" the Constitution to "promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." Likewise the Declaration of Independence and our state constitutions speak in the first person. It is not by accident that our democratic governments have so constantly thought and acted in the first person. They are mere formulations of the desires of the people, acting of, by and for themselves, and not of, by or for any one class.

Such is the spirit of *government for the people*. It is the people of a great democracy working for good and enlightened and progressive government for themselves, and for the safety and happiness of themselves and their posterity. The words *government for the people* are used in this discussion to cover not only the general wel-

fare, but also the personal liberty and the social welfare of the individual and of society in the broadest sense of these expressions. They comprehend financial, economic, social, labor, educational, humanitarian and even esthetic reforms and improvements, to be carried on collectively through the operative functions of the federal, state and local governments in order to effectuate the great purposes for which they were ordained and established. They are collectivism for the benefit and the happiness of the individual and of the aggregate of the individuals of the people, and not for any one class.

Government for the people refers herein almost exclusively to the endeavors of our governments to enter into new and unexplored fields which promote the general and social welfare of the people as individuals and collectively. They are distinguished from a narrow operative government for the potentate or country or nation which in early times merely reigned over the people by collecting certain taxes and exercising thereby what we would consider as a very limited control over the army, navy, exchequer, courts and foreign affairs. Our problem is to show how an untrammelled democracy has continued to exercise these limited and age-old functions of every national government, but has also originated and developed an entirely new set of activities devoted to purposive government or *government for the people*.

For example, the remarkable and novel work of our Agricultural Department is not only for the farmers as individuals and as a class, but as well for all dwellers in rural communities or in the cities who use agricultural products. The government seeks to make its benefits applicable to and available for every farmer, rural dweller and consumer of agricultural products who will avail him-

self or herself of its paternal efforts. Furthermore, with us government for the people seeks to protect every individual against the wrongs which, in the vast intricacy of our complex society, may be done in the name of the government itself or by unscrupulous or unfair private interests. At the same time, it seeks to build up the strength, character, education and power of every individual so that he can help himself and grow in all good things without falling back upon the government. We have developed many new forms of it since July 4, 1776.

No better example of pure and far-sighted government for the people, and its power for the good of the individual and of society can be found than the purchase and introduction into Alaska by the United States Government, from 1892 to 1902, inclusive, of 1,280 reindeer, in an endeavor to save the native Esquimaux from extinction. There are now scattered throughout the Territory about 100,000 reindeer. Each year many youthful native apprentices are graduated from four-year courses at government reindeer schools, and start life as social, educational and professional leaders in various parts of the Territory, with a capital of about thirty-five reindeer advanced by the government. Furthermore, although this work has been entirely in the charge of the United States Bureau of Education, we have had no anti-trust legislation so efficient or so satisfactory as the departmental regulations which have confined the possession of reindeer in Alaska exclusively to natives, the schools and the missions. At the same time they have so aided in finding a market for reindeer products that the meat is found upon the menus of many important hotels and restaurants from our Atlantic to our Pacific shores.

This is not theory but practice; not a philosopher's dream or a student's hope, but the actual working out of a

pure democracy founded upon the English common law, English history and English liberty; initiated in the slough of despond, 'midst wars within and wars without; steering its course over an unknown and uncharted sea; and succeeding in spite of treason, anarchy, civil strife and public and private corruption and wrong within its own ranks.

Purposive government, as ordained and developed by the American nation, is the most wonderful political and social force in the world to-day, and its greatest historical romance. Men have quibbled over the exact philosophy and meaning of the words of the preamble of the Declaration of Independence, but we can never understand or appreciate our past, our present or our future until we realize that that very preamble has ever been the inspiration and working hypothesis of the American people and sacred in their eyes, and that the purposes or objects of our government have always been the factors which have ultimately, but usually unconsciously, determined our course. Our unique national and state collectivism—for all the people—has grown directly from the principles laid down in this preamble, and is directly opposed to the materialistic philosophy of Marx that society can only make progress through class hatred and class conflicts. Our collectivism is not of nineteenth century origin, but dates back through our English ancestry, to Magna Charta in A. D. 1215; and the growth and course of that governmental collectivism are as plain as those of the Mississippi after it leaves the lake at its source. Admittedly it has nothing Prussian in its origin or conceptions.

We turn now to the evolution and experiences of American Democracy.

## VI

### AMERICAN GOVERNMENT FOR THE PEOPLE IS BASED UPON ENGLISH FOUNDATIONS

**I**N a broad sense, our American notion of purposive government or government for the people is the taking over by the federal, state or local government and for the general or social welfare, of some class of business, properties or functions not previously exercised by any general government; but theretofore deemed to belong only to the individual, or to be exercised, if at all, only by the Church, or by rich and public-spirited citizens, or by charities which they had founded and endowed. But as we began these ventures in governmental business about one hundred and forty years ago, we must ascertain the historical genesis and foundations of our democracy, and the political and social conditions which then prevailed and which made such ventures possible and desirable. Present conditions would not help us much in understanding the reasons for and the growth of our early experiments in democracy and governmental and social economics. Most of all, we must fully know and weigh our political and other assets of English history, liberty, government and common law when we started in business in 1784, after the close of the Revolutionary War.

Here we are met by the fact that until recently any paternal or social welfare activity was wholly lacking in the English government, which was thoroughly decentralized and individualistic, and devoted solely to taxing and reigning over its people.



Speaking in a general way, the growth of English and American Democracy, so far as it relates to the growth of government for the people and collectivism, has been about as follows:

Prior to the Norman Conquest, A. D. 1066, and to a lesser extent thereafter, England, Wales and Scotland were divided into many practically independent kingdoms and large dukedoms, whose relative military strength and importance varied from generation to generation. These were usually at swords' points with each other, and always ready to unite against any chieftain who sought to become a dominant king. War was men's chief business, and pretty much every one's glove was in the ring all the time. Thus, during that period, England was not truly a nation but merely a country of strong and independent local governments, supremely jealous of each other and of any central power. In the centuries immediately following the Conquest, the Norman line tried to establish a strong title to the kingship, and grew more and more determined to rule absolutely, by divine right, and without regard to any of the political limitations which had been recognized in the earlier and more democratic Saxon times. Therefore, the great clerical and lay barons, and to some extent the freemen and the free cities—in other words, the strong local governments—combined to clip the wings of the central power and to maintain their own former rights; and they forced the central government, in the person of King John, to sign Magna Charta, which was in fact a treaty between the kingship and these local interests. It was thus that the Great Charter of English liberty came into being at Runnymede, on June 15, 1215, and English democracy was made possible.

John felt that this treaty had been unfairly wrung

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from him, and to him and his immediate successors it was a mere scrap of paper, to be disregarded or nullified as often as possible; but the English people took it at its face value, as granting many sacred rights of representation, control of taxation and personal freedom from governmental oppression. Until the absolute power of the kingship, by divine right, had been curbed by Magna Charta, the undoubted tendency of the English people was toward decentralization; for, rightfully, they trusted their local governments and distrusted their central government.

Thus, during the feudal period, most of the real power was in the hands of the greater or lesser lords and vassals, and not in the royal house. The kingship did not even represent a central government, as we understand that term to-day, but only the armed dominance of a great ducal house, whose very prominence excited the jealousy and the covert or open disloyalty of its fellow houses which were almost as powerful as it. The kingship had no direct control over the English people, but must reach them indirectly through its great military or clerical underlords. Because of this jealousy and the frequent armed strife with its local governments, the central government was thoroughly distrusted. Not only did the kingship lack the actual power or means to exercise the paternal and business functions which are increasingly expected of our governments; but, on the contrary, its rival local lords would have resented and resisted any such exercise. They sought in every way to weaken the kingship, so that it might be less able to coerce them; while it sought to weaken them and thus make itself more powerful at their expense. This common political and not industrial or social jealousy and strife made paternalism or collectivism or any exercise

by the central government of business activities for the people practically impossible. The purposive side of the central government was paralyzed. Social amelioration, what little there was of it, came almost entirely from individuals or the charitable foundations which they established to perpetuate their benefactions.

With the signing of Magna Charta commenced a seven century struggle to make England "safe for democracy." Quite contrary to Marx's theories, the Great Charter had been chiefly the work of the powerful lay and clerical barons, and not of the proletariat. It was three centuries before the masses of the English people began to obtain recognition of their political rights. They were perfectly content as to their industrial condition. About three or four centuries ago this political process had gone so far that the government was taking on a fixed constitutional form and thus was growing more democratic and more trusted. Thereupon the people commenced to confer upon Parliament—not upon the king—powers which until then had been jealously retained by the local governments, and also new powers never before exercised by either the central or local governments. Government for the people began to loom above the English horizon as possible and safe, because government of and by the people was developing.

English statutes show that, until three or four centuries ago, neither the central nor the local governments exercised many of the functions which we now expect of our rulers, and that the powers of the central government were strictly limited in the fields in which it did act. Even the army was not in any sense national, but was furnished by local lords or the cities, as the price at which they held their feoffs or lands or privileges. The ordinary man was only bound to render military service

to his immediate LAND lord. The king, acting like any other local LAND lord, often furnished fewer troops than those commanded by some of his great vassals. As a general rule, English troops were bound to serve their local LAND lord, not the king directly, forty days a year at their own expense, as a payment for the plot of land on which each man lived. Each subdivision of the army was armed and commanded by its local lord and was mobilized only by his direction, and he often refused the king's demand for troops.

So much was the military power of the king distrusted that the English law provides that there shall be no standing army without the consent of Parliament. Because of a like distrust, our Federal Constitution has curbed the power of the executive, and provides that it is Congress which shall declare war, grant letters of marque and reprisal, make rules concerning captures on land and water, and raise and support armies, provided that "no appropriation of money for that end shall be for a longer term than two years."

Nor was there in early England any such thing as a national navy, although each seaport might be called upon to furnish a certain number of fishing or other boats to repel invaders. Upon some of these boats, manned by their owners and seamen, troops might be carried. Mac-Intosh says that

"these battles between soldiers embarked in boats, which were manned by seamen or fishermen, were not what we call, in modern times, maritime engagements."

Later the navy was largely composed of privateers, who received letters of marque from the king, but were owned by individuals.

The point is that if the central government had any

troops or ships, they were the king's own personal outfit, supported by his own local income and not from national funds. Furthermore, in early England, provision, if any, for the support of the dependents of soldiers or sailors during a war was covered by local taxes.

Few, if any, correctional, educational, charitable or other social welfare functions were exercised even by the local governments. Each locality tried, condemned and provided places of confinement for its own criminals, though it did not heat its jails, and frequently did not furnish food or raiment for those imprisoned therein, or even grave clothes or interment for those whom it hanged. It was not the government, but the Church or public-spirited individuals who fed the prisoners and clothed the aged and infirm, including sick soldiers and sailors; founded and maintained schools and colleges of all kinds, and houses of correction and homes for orphans; built and repaired highways, bridges, lighthouses and beacons, ports, havens, sea walls and harbors; and in many other ways provided for needs which are now ministered to by the government and paid for out of taxes or the proceeds of government bonds. There was no governmental provision for the poor, insane or feeble minded.

The English Revolution resulted in the adoption of the Declaration of Rights in 1689—soon enacted into the Bill of Rights, which guaranteed the liberty of the individual. The United States Supreme Court has held that the individual liberty which we inherited from the English common law

“means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live

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and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary and essential to his carrying out to a successful conclusion the purposes above mentioned" (*Allegeyer v. Louisiana*, 165 U. S. Reports, 578).

This strong streak of English individualism, and opposition to collectivism and belief in governmental decentralization was an important part of our English inheritance and has exerted a marked influence in checking our paternalistic tendency, like that of every strong democracy, to develop its social and general welfare functions. This individualistic spirit prevailed among the aristocrats and city dwellers of the early States, and differed radically from the desire for paternal government and governmental assistance which dominated the farmers and especially the frontiersmen who had bought public lands.

Up to very recent times a city or community seldom went so far as to provide wells for the public use, and certainly never thought of building a system of water works. In 1799, when the Manhattan Company, New York's first public utility corporation, was chartered "to supply the City of New York with pure and wholesome water" *from wells near the present City Hall*, the preamble of the act showed how little the City thought of its general welfare duty in this regard, for it recited that

"Whereas Daniel Ludlow and John B. Church together with sundry other citizens of this State have associated for the purpose of supplying the City of New York with water for the use of such of the inhabitants thereof and others, as may be inclined to take the same, and have with a view to further this laudable design, and to divide the hazards attendant thereon, set on foot a



subscription and actually subscribed considerable sums of money thereto, upon condition that the legislature should deem it expedient to grant them support and encouragement, by giving them and such others as shall hereafter subscribe and join their association, a suitable charter of incorporation, as doth appear by their several petitions to the legislature; to the end therefore, that the said Daniel Ludlow and John B. Church, and their present and future associates, may be encouraged to proceed to carry into effect their laudable undertaking, which promises under the blessing of God, to be conducive to the future health and safety of the inhabitants of the said city. Be it enacted,"

Contrast this company and its wooden water pipes with the recent business operations of the City of New York in building and owning a huge aqueduct from the Catskills, at a cost of \$175,000,000. How many public utility corporations in New York State have followed the example of the Manhattan Company in invoking God's blessing upon their undertakings!

All our public instruction, whether by schools or colleges or other governmental agencies, is government for the people and is absolutely collectivistic and purposive and contrary to early English traditions, where all schools were under the Church or in private hands, and neither the local nor the general government spent a penny on the public education for which we now tax ourselves over \$600,000,000 a year, to be expended by government officials. Even the doctrine of tax supported free schools is recent with us, for it was not universally accepted throughout this country until 1871. It is much less than a century since James G. Carter, in Massachusetts, insisted that the existing failure of the schools was caused chiefly by poor teachers, and that "*The State must go into the business of training teachers and must*

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provide that training without cost to them." From this crusade came the absolutely revolutionary proposal that the States should found and support normal schools! This seems to be the first public suggestion that purposive government is merely putting the state into business.

It is only about seventy-five years ago that a few bourgeoisie enthusiasts in New England were preaching the doctrine that education is necessary to increase production, to diminish crime, to preserve free institutions and to prevent the creation of a caste system, and that it is one of the natural rights of man.

Massachusetts appointed its first State board of education in 1837, and Horace Mann, its first secretary, expressed the following thoughts, which then seemed startlingly radical and socialistic:

"Every child should be educated; if not educated by its own father, the State should appoint a father to it. . . . When will Society, like a mother, take care of all her children?"

In the spirit of a crusader he gave up a fine law practice and a promising political career to give all the people the blessings of state-wide education. Fortunately, Horace Mann, who was practically our first superintendent of education, had a creed. It read:

"I have faith in the improbability of men—in their accelerating improbability."

It is that creed, unconsciously adopted throughout this great democracy, which is constantly accelerating its governmental activities in new purposive business enterprises for the benefit of all of the people. As far as the East is from the West, that creed differs from Karl Marx's creed of materialism and class hatred and social revolution.

## VII

### WHEN OUR CENTRAL GOVERNMENT WAS WEAK AND DISTRUSTED

**I**T now becomes necessary to acknowledge that our purposive government nearly met death at or before the time of its birth. It could not have attained a vigorous growth without the fostering of a strong, trusted and stable central government. Few people realize how near we came to not having a federal government which was either strong or trusted. For the first fourteen years of our national life, it was clearly not a case of "united we stand" but of "divided we fall." There was no strong central government, nor did the people wish such a central government, nor did they care to have a central government which they could trust. Therefore, there was no possibility of any widespread development of purposive government.

A spirited horse ran away with a well-known trust magnate, who stood up in the carriage and lashed the animal with his whip. To his companion, who demanded why he was thrashing a horse that was already running away, the driver exclaimed, "Damn it, I've got to get his attention!" Seldom has there been a nation which ran away more wildly or needed more of the lashings of adversity, even with expletives, to get its attention than we did prior to 1789. Mankind has progressed by learning through the hardest kind of knocks that new condi-

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tions upset old theories. Usually, it is not prosperity or good times which get the attention of a country and bring reform, but distress, grinding hardship and discontent, culminating in a revolution or a threat thereof, and resulting in a series of compromises which preserve some of the older rights and adopt some of the new demands.

The Fourth-of-July-oration notion of our Union's origin is a mistaken one. There was nothing to be proud of in the ugly fight between the States which struggled as long as they could against real union, until despair and exhaustion forced them to accept the far-reaching compromises of the United States Constitution. It is not too much to say that to-day the conduct of our nation at large is a hundred times better than its course during the Revolution, and many times better than in the Civil War. As to the decades before the Revolution, Lecky says:

“The history of the colonies during the twenty or thirty years preceding the Declaration of Independence is full of intestine and intercolonial disputes. There were angry discussions about boundaries between Massachusetts on the one hand, and Rhode Island, New Hampshire and Connecticut, on the other. Albany was long accused of trafficking largely with the Indians for the spoils they had obtained in their raids upon New England. New York quarrelled fiercely with Virginia about the responsibility for the failure of a military expedition, and with New Hampshire about the government of the territory which was subsequently known as Vermont. In Pennsylvania and Maryland the Assemblies were in continual hostility with their proprietaries, and the mother country was compelled to decide a violent dispute about salaries between the Virginia laity and clergy. Great bodies of Dutch, Germans, French, Swedes, Scotch and Irish, scattered among the descendants of the English, contributed to the heterogeneous character of the

colonies, and they comprised so many varieties of government, religious belief, commercial interest and social types, that their union appeared to many incredible on the very eve of the Revolution."

The American colonies did not seek or expect the Revolutionary War, and were not prepared for it, nor for any independent central government. They wished only to patch up some arrangement under which they could continue to live separately under British rule and colonial charters. Their first form of government, the Articles of Confederation, was a makeshift, adopted under the stress of war, and of no real value during the war or after peace had been declared, and neither strong nor trusted.

When the Continental Congress assembled in 1774, few believed that there could or would be war with England. The delegates were merely appointed to "fix it up" with the mother country and report back to their own legislatures. But suddenly, on April 19, 1775, the battles of Lexington and Concord forced the war, and the Congress, appointed with very limited powers and for quite other purposes, found itself compelled to conduct that war. This was a new country, without any national experience or ideals to weld together jealous States which had no desire or intention to be thus welded, and which flatly refused to give up to a central government the many important rights which they had acquired under their separate colonial charters. The colonies had had very few interests in common, having been held apart by poverty, by lack of easy intercommunication, and by religious and trade differences. The Puritans, of various degrees of crustiness, in New England, the Dutch Reformed Church in New York, the Presbyterians in New Jersey, the Quakers and Lutherans in Pennsylvania, the

Roman Catholics in Maryland, and the Episcopalians in Virginia, did not mix well in that age of religious strenuousness. The trade of the colonies had not been between themselves as much as with England and her West Indian possessions. As competitors in a few staple products in the same foreign markets, the colonies had been jealous and bitter trade rivals, and this rivalry continued through and especially after the Revolution.

Most governments have been slowly evolved and molded by centuries of gradual adjustments and changes; but the Continental Congress of 1775, and the government which it set up, contained no member who had had experience as legislator or executive, except in the affairs of small and provincial colonies. The States flatly refused to give up to the Continental Congress rights of any kind which any man was bound to respect. The Congress was merely a debating society, where the delegates could discuss various questions and make recommendations in regard thereto to their own legislatures. It required the formal consent of the legislatures and governors of all of the thirteen States to make any such action, or any amendment to the Articles binding, and even then the Congress had no machinery or power to enforce its mandates. The Congress had no power of taxation and no right to levy import, export, or tonnage duties, and the States refused to surrender any of their rights in these matters. There was no president or other executive, and the Congress could only debate, recommend and wait. It could not even hasten the legalizing of its own existence. It prepared and on November 17, 1777, proposed the Articles of Confederation, but these did not go into effect until March 1, 1781, a few months before the battle of Yorktown.

The Revolutionary War completed the previous finan-



cial, economic, political and moral bankruptcy of the several States and of their citizens.

The French and Indian and other wars, from 1755 to 1763, had practically bankrupted the colonies. The English laws and colonial regulations were so framed that only paper money could circulate in the colonies and specie must drift at once to England. Each colony had issued its own bills of credit under varying laws, and only one had honestly redeemed its bills. The poorest colonies had often issued the most bills. In 1750 exchange on England rose from 550 to 1,100, or about nine per cent. in specie. Rhode Island bills went as low as four per cent. or 1 to 25. Many colonies forbade the circulation of the bills of other colonies within their borders. The paper money was poorly printed and easily counterfeited, and its depreciation was accelerated by dishonesty, avarice, ignorance and accident, and constantly served to increase the existing bitterness between the colonies.

For currency the Continental Congress naturally turned to the only available form of paper money known to them, with the understanding that the state legislatures should take up or "sink" (provide a sinking fund for) their share of the issues, which were dated so that they might be redeemed in the order of their issue. The first issue, in May and June, 1775, was "not to exceed 2,000,000 Spanish Milled Dollars" and was to be "sunk" in four equal annual payments, commencing with November 30, 1779, by the States according to population. Before the end of 1775, \$4,000,000 more was authorized. Each issue was redeemable a little later than the previous ones, and therefore became less valuable as there was relatively less probability of its being redeemed.

In 1778 the Congress paid out in fourteen issues of paper money \$62,154,842.62, and in specie (of dozens of

different foreign coinages) \$107,191.60. Up to September 13, 1778, Congress had issued \$159,948,880 of bills (more than the total property valuation of the country), had borrowed in France and the United States, \$32,734,096, mostly in munitions, equipment and coin, and had received from taxes \$4,027,500, or about two per cent. of its nominal total receipts.

The individual States issued almost an equal amount of their own paper money. Private individuals put forth tokens, certificates, etc., for small change, and counterfeits ran into millions of dollars. Depreciation grew apace. Many refused the bills at any price, and well-formed campaigns were organized to bring about systematic depreciation. James Laing wrote from Lancaster, Pa., to the Pennsylvania War Board: "Depreciation is really becoming a trade here." There was not a bank in the country nor any banking facilities or credits.

These enormous issues were necessary because the States neglected to pay their assessments. In 1783 South Carolina had furnished supplies to the troops serving there sufficient to pay her quota, and the other States had paid as follows: Rhode Island, one-fourth of her quota; Pennsylvania, one-fifth; Connecticut and New Jersey, one-seventh, each; Massachusetts, one-eighth; Virginia, one-twelfth; New York and Maryland, one-twentieth; New Hampshire, one-one hundred twenty-first; North Carolina, Delaware and Georgia nothing at all. In March, 1780, Congress fixed the value of specie at 1 to 40 of the latest issue of bills, and New York, in 1781, at 1 to 128, or at any other old rate; or as the Act put it "or at such other rate or rates as shall from time to time be established."

Terrible hardships were caused by this failure of the circulating medium and the consequent rise in the prices

of food and other necessities. Creditors no longer dunned their debtors, but the latter were eager to pay their debts at par in depreciated paper. In August, 1779, Washington wrote his agent not to receive Continental money at par, saying:

“It is not serving the public, but enriching individuals and countenancing dishonesty; for sure I am that no honest man will attempt to pay twenty shillings with one, or perhaps half of one. In a word, I had rather make a present of the bonds than receive payment of them in so shameful a way.”

This was a direction to break the law of Virginia, which specifically made it a crime to refuse to take this money at par!

Early in the war all the States passed laws denouncing forestallers, engrossers and usurers, and punishing by fine and imprisonment any who demanded more in paper money than its par in Spanish milled dollars. The worthlessness of the bills was emphasized by the presence of an English army and navy which could and did pay for its supplies in specie. Congress and the several States passed sumptuary laws regulating the prices of labor, manufactured articles, internal produce and imported commodities, and the charges of inn-holders; but there was no strong central government empowered to meet the financial crisis. This is shown by the Journal of the Congress which, especially at first, constantly spoke of “these united States.” The States were so jealous of their rights that all references to them deserved to be capitalized, but their unitedness was not such that one could notice it—much less capitalize it; and the clerk of Congress must have felt a grim satisfaction every time he wrote “these united States.”

In March, 1778, New York attempted to get 2,400 pairs

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of "good, strong, woolen stockings" and 2,000 pairs of "shoes made of neats leather" by fixing "the quota of shoes and stockings which the several cities, towns, boroughs, manors, precincts and districts" should furnish. The assessors were to determine which of the inhabitants "in their judgment can best spare or procure the same." As the State paid only sixteen shillings (in depreciated money) for the shoes, and fourteen shillings for the stockings, it was cheaper to forfeit five dollars in one per cent. paper money than to furnish the shoes and stockings.

The States impressed or commandeered flour, wheat, timber, fuel, cattle, sugar and other provisions, and teams, wagons and forage. New York passed "An act to provide Pasturage for the Use of the Army," under which "Any justice of the peace or supervisor, upon notification of the number of horses or cattle for which pasturage was required, the time when and how long the same would be required," was to issue his warrant to "any two reputable freeholders to impress as many Pastures as they may deem sufficient, of and from such of its inhabitants as in their Judgment can or may with the least damage spare the same." The owner was to be paid in Continental money, nominally worth less than one per cent. and actually worth nothing. Think of the opportunities for graft in such loose legislation as this; and graft was far more rife and widespread then than now, because there were few criminal laws against it and no government capable of enforcing such laws.

The States forbade the export of cattle, grain or provisions to other States. New York raised most of the grain, while New England abounded in cattle. These embargo laws resulted in an illicit export trade, much smuggling and an increased jealousy between the States,

and still greater hardship for the few who were willing to observe the laws. Eventually Massachusetts and Rhode Island had to petition New York for leave to buy and export grain and flour to provision the French fleet, then lying in Rhode Island ports, and for their own army and citizens. Washington complained continually of the action or lack of action of the Congress and the States; of many of his officers and men; of the people in general and in particular. He wrote:

“Unless extortion, forestalling and other practices, which have crept in and become exceeding prevalent and injurious to the common cause, can meet with proper checks, we must inevitably sink under such a load of accumulated oppression.”

In 1778 he wrote again:

“Our affairs are in a more distressed, ruinous and deplorable condition than they have been since the commencement of the war.”

We hear about the terrible sufferings of our forefathers during the Revolutionary War; but we seldom are told the bald truth, that those sufferings were produced and prolonged almost entirely because neither the nation, nor the States, nor local communities nor “the people” were willing to do their bit; but were disunited, at cross purposes, selfish and even criminal to an extent which we cannot conceive of to-day—try as we may. The inevitable result of such conditions was moral as well as financial bankruptcy. The rogues and the royalists deliberately broke the laws. The morally weak found plenty of excuse for not obeying them. Moral conditions and graft were on as low a plane as the State credit; and the feeling between the people and government of the

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"united States" grew more and more bitter and ugly. There was not much chance that a *for* government could be inaugurated or grow under such an *of* and *by* government! And the same rule will always apply where Marxian Socialism is in actual control!

Thus the central government, the States and the people were all thoroughly bankrupt at the end of the war, and even this rich new country did not outlive that condition for decades. Nevertheless the financial, economic, political and moral bankruptcy in the United States became increasingly worse after the treaty of peace with England was signed at Paris, September 3, 1783, and the common fear of a foreign enemy was removed.

After the Revolution the United States did not enter upon a glorious and steady growth as a nation capable of developing a government for the people. "The worst was yet to be." Financial and economic conditions became worse because the political situation was so much worse. Many things had been forgiven to us during the war which could not be overlooked after we became a recognized member of the family of nations. There was much undisguised jealousy between the States, hanging over from the war or caused by conflicting laws just across boundary lines which were often imaginary and usually in dispute. The enthusiasm of 1775 and 1776 for a national government had died out after the States had adopted their own constitutions. "There was an excess of State pride and a lack of national feeling" which prevented the granting to the central government of the powers essential to make it powerful, useful or respected. In one instance New Jersey refused to pay her quota of a federal tax because of some action which had been taken by New York.

Under these circumstances the treaty of peace merely



made a bad matter worse. There were conflicts, threatened or actual, between the States and within their own borders. New York was determined to send troops to compel her eastern counties—now the State of Vermont—to submit to her authority, and there ensued fights, arrests, whippings, the pillory, confiscation of property, and taxes enforced by martial law and Ethan Allen—a tough combination. Allen threatened to make Guilford, the Yorkers' headquarters, "as desolate as were the cities of Sodom and Gomorrah" if it did not yield to him. The general bankruptcy was responsible for Shays' Rebellion in Massachusetts in 1786, 1787 and 1788, of which Van Holst says:

"In Massachusetts were witnessed the first commotions which showed beyond a doubt that society itself was already completely undermined, and that a radical political reform and the preservation of social order were well-nigh identical questions. The malcontents, who either openly or secretly sided with Shays, were equal in number to the friends of the State government, and their ultimate object was none other than the repudiation of public and private debts and a redistribution of property. The greatest evil of all was that it was long doubtful whether the legislature would arouse itself to energetic action, or whether that part of it which was in secret sympathy with the rebels would obtain the upper hand."

Washington called the conflicts between the States a "war of imposts." Franklin said that

"The States having ports for foreign commerce taxed and irritated the adjoining States trading through them."

New Jersey, situated between the ports of New York and Philadelphia, was likened to a cask tapped at both ends, and North Carolina, between Virginia and South Carolina, to a wounded man bleeding at both arms. It

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seemed as though nothing could prevent a succession of wars between the various States. England refused to carry out the treaty of peace, and did us more harm by her commercial policy after the peace than she had inflicted by her military power during the war. Our well wishers in Europe were shamed and injured by our practical repudiation of our obligations. When the other States consented to pay a five per cent. *ad valorem* on their import duties to meet the interest on the foreign debt, Rhode Island refused, saying hypocritically that she considered it

“the most precious jewel of her sovereignty that no State be called upon to open its purse, but by the authority of the State and by her own officers.”

Madison wrote:

“Our situation is becoming every day more critical. No money comes into the federal treasury, no respect is paid to the federal authority, and people of reflection unanimously agree that the existing confederacy is tottering to its foundation.”

It was not the successful termination of the war, but the chaos and anarchy that prevailed thereafter, from 1783 to 1788, which got the attention of the country and compelled both the stronger and the weaker States to compromise their rights, and as a last resort—and only as a last resort—to adopt the United States Constitution of 1789, which made fundamental changes in the internal governments of the States, and was merely a set of compromises.

The Constitutional Convention to revise the Articles of Confederation, meeting at Philadelphia on May 25, 1787, was composed of three classes of delegates; a small

number favoring a strong central government, a large number favoring state rights and a weak confederacy, and some who were ready for any compromise promising any improvement over existing conditions—but Rhode Island, the smallest and most radical State, refused to send any delegates or otherwise to recognize the Convention.

For our present purposes, three things are chiefly important: *first*, that it required the greater distress which followed peace to get the attention of the voters, then only those owning or renting lands, and bring them to their senses; *second*, that the States were required to lay some of their most valued rights upon the altar of the nation; and, *third*, that the proposed Constitution was not wholly satisfactory to any party, but was the result of an intricate set of compromises. For this very reason it was not adopted because it was wholly satisfactory to a majority of the delegates, or of the States, or of the people or statesmen; but solely because it was felt that the country was between the devil and the deep blue sea, and this seemed the only way out.

The large States had to give up a proportionate representation in the Senate and content themselves with two senators; but to meet this it was provided that the House should originate all money bills. Representation of population was different in the free and slave-holding States. The larger States gave up valuable export, import and tonnage duties; while the proposed relinquishment of the control of navigable waters within the state boundaries, and the way in which these rights should be exercised, almost broke up the Convention. The Southern States feared that under this clause Congress might regulate navigation on their rivers and coasts so as to interfere seriously with the slave trade. The fact here

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emphasized is that every State gave up some right which seemed important to it, in order to bring about a Union under which all could live and grow in peace and the pursuit of happiness.

This became evident when it was sought to put the Constitution in force by the ratification of nine instead of thirteen States. The country became at once divided into Federalists and Anti-Federalists. Hardly a provision of the Constitution escaped criticism. Delaware was the first to ratify, on December 7, 1787, followed within a month by Pennsylvania, New Jersey, Georgia and Connecticut—three of these States by unanimous vote. The first close struggle was in Massachusetts, which ratified by a bare majority, after a promise that many amendments should be made. After Maryland and South Carolina had ratified, it seemed probable that no other State would act favorably, but New Hampshire made the ninth State, and Virginia approved by a majority of ten in 186. The New York opponents to ratification, comprising almost all her great men except Hamilton, hung out on the ground that New York was a wedge physically dividing the country, and could dictate her own terms, which were another convention, which was promised but never called. North Carolina's consent became effective only when the first Congress had passed an amendment inserting a bill of rights. Rhode Island did not consent until a year after Washington's inauguration, and then only by a majority of two, after Congress had threatened hostile commercial legislation treating Rhode Island as a foreign country. John Quincy Adams truly said that

“The Constitution was extorted by a grinding necessity from a reluctant people.”

## VIII

### HOW THE PUBLIC LANDS OF THE STATES MADE PURPOSEIVE GOVERNMENT POS- SIBLE AND INEVITABLE

WE turn now from the philosophy and historical foundations of our government of, by and for the people to a study of what government for the people has done for us, and how far, as we have applied and developed it in the United States, it has fulfilled the ideals and hopes of the Declaration of Independence and can serve as an example for others. We cannot measure the results of such government unless we visualize (a) the favorable and unfavorable conditions, political, social, economic, financial or historical, under which each experiment was undertaken or which affected it as it proceeded; (b) how these conditions changed in relative importance as each particular movement grew in years and experience; (c) how our early policies of operations were crude or false, or were soon outgrown, or were turned topsy-turvy by political interferences and changes, or seriously compromised by frauds and scandals. It is unquestioned that, although we had a pretty good and irrevocable *of* government, our *by* government was rather a farce, for only those with a certain amount of property or annual income could vote at first. We shall find ourselves asking constantly how Marx's theories of class hatred and proletarian dictatorship and terrorism would have pulled us through these crises.

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Because the Continental Congress completely broke down about 1780, and the national government under the new Constitution did not come into force till 1789, the States were the only strong governments between 1780 and 1789, and during this interregnum the people naturally turned to the States to put the new form of government for the people into force. Therefore the first of the new experiments in purposive government were by the States.

The surrender of Cornwallis at Yorktown, on October 19, 1781, closed the military operations of the Revolution. The treaty of peace was signed at Paris on September 3, 1783, and New York was evacuated by the British on November 25, 1783. We have already seen how completely bankrupt the nation, the States and the people were before, during and after the Revolutionary War. After following their nominal value down to a vanishing point (fixed at 1 to 128 by the New York legislature in June and November, 1781, but nearer 1 to 821 in fact), the Continental bills of credit were formally withdrawn as legal tender and the country fell back almost entirely on barter. The accepted standard was the Spanish milled dollar, but what little specie there was consisted of the coinages of Spain, Mexico, Portugal, England, France, Italy, various German states and other countries. Some coins were hundreds of years old and had varying values, according to their dates and actual abrasion.

Throughout the Revolutionary War, most farmers had concealed their produce until they could swap it for what they needed. In 1781, New York made her taxes payable in specie *or* wheat at six shillings per bushel, or corn or rye at four shillings. As she got in no specie, she paid her state officers and other state debts in wheat, corn or rye at like rates, and provided for collecting, storing,



grinding and paying out the grain or flour. The passing of sumptuary laws during the Revolution and the attempt to force the people to take depreciated paper for services or goods caused the universal feeling that ordinary laws were made to be broken, and that a man was not guilty if he was not found out; and his neighbors were leagued with him to prevent his conviction. From a law-abiding people we became a nation of lawbreakers. This was not a very encouraging prospect for government for the people, even if fully based on sound of and by government.

During the last three years of the Revolution the States were compelled to finance their own affairs. Disregarding the Continental Congress, they incurred considerable debts for the pay and bounties of new levies of troops and for other necessary war-time expenses. It was chiefly this later indebtedness which the States recognized when they attempted to untangle their own affairs and get back their own credit, leaving the Continental Congress to pay its debts as it could. All the States were in the same boat, but we shall chiefly use New York for illustrations, because it was an important State and its history is easier to trace.

We of this day and generation can never comprehend the lust for land which stirred our forefathers. At the end of the Revolutionary War, tens of millions of acres had been promised by the Continental Congress and by the various States as military bounties or pay, and in the absence of other currency, these military land warrants circulated as money. Land in the older regions seemed worn out and expensive, while the States and the nation, to pay off their debts, were extolling their western lands, and private companies were glowingly advertising the large tracts which they had bought in at a song.

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Most of the people were simple in their needs and habits, but constantly harassed by the prevailing bankruptcy. They prayed for good times, or rather for anything which would make a land boom; and, in a sense, the then existing conditions justified this universal desire for a boom in land values. At least ninety-five per cent. of the country's wealth was in lands and the balance largely in shipping. There were no stock exchanges, or banks or bankers' credits; no corporate bonds or stocks; no mining; and no manufacturing which was not concerned with farming or forest products. Therefore a land boom was at once an indication of general prosperity and a measure of its extent. Land values were the financial and prosperity barometer of the country and its several localities, as much as steel is to-day. The Embargo of 1807 and the War of 1812 caused land panics as real and as lasting as the Baring business panic of 1890. The unearned increment of lands was almost the chief means of investment and speculation in a population that was overwhelmingly rural.

From about 1780 to 1789 it was every State for itself and the devil take the hindmost. Let us, then, see how our democratic States set to work to overcome their bankruptcy by a land policy which was entirely different from anything then known in Europe and which was distinctly purposive in its nature. In May, 1784, less than six months after New York City had been evacuated, the State appointed a Land Board to dispose of the State's unappropriated lands. Under subsequent amendments these lands were to be laid out in townships ten miles square, containing one hundred lots of 640 acres each, to be sold at a shilling an acre, three-quarters on credit. One lot in every township was to be held for "gospel and schools" and another for "promoting litera-

ture." Each lot must be partially settled within seven years, but this was extended from time to time to 1828.

These lands might be paid for in cash or by turning in certain bills of credit or certificates of indebtedness issued by or on behalf of the State after 1780, and also by certain Continental bills of credit, at 1 to 40, or 1 to 128 face value. Any of such notes, certificates or securities not already negotiable were made so. For several decades military warrants upon these lands passed as an important part of the currency of New York State, and was safe, for it was backed by fine lands worth much more than their land warrant value.

The lands were carefully surveyed and described and sold with a good title, and provisions were made for organizing town and county governments, settling disputes among joint owners; and from time to time new questions which arose were wisely covered by further legislation. Much land was bought in by speculators with cash and depreciated public obligations, but the State was soon enabled to pay off its debts and accumulate a comfortable surplus.

In many respects the plan was crude and carelessly administered, and the State and its officials made foolish or worse blunders in working out this important but new application of government for the people. An investigation in 1804 showed that many mortgages taken back had never been paid, that others had been paid but not cancelled, and that the Land Board's affairs were in a chaotic condition. Some years earlier the state officials, including Aaron Burr, attorney general, had been accused of buying lands for themselves through agents. The charges were not proved, but many crudities and some frauds were shown up. In the main, this piece of purposive democratic government was a great success.

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This sale of the public lands contributed to the safety and happiness of the people and promoted the general welfare and secured the present and future blessings of liberty, for thereby the State was enabled (1) to pay its debts and restore its credit; (2) to provide a temporary form of currency—land warrants backed with ample security and worth par within the State; (3) to build post roads and bridges reaching these new lands and making them available for settlement; (4) to throw open a vast extent of the finest forest and farm lands in the country at a nominal price to a large number of its own citizens and of worthy immigrants from the other States and countries; (5) to restore private as well as public credit, and to provide a form of available wealth which was the basis of real prosperity; and (6) to provide the basis for banks and banking credits which enabled the frontiersman to sell his products for cash, at or near his home, and left the purchaser to “pay the freight” and take the risk of ultimate sale. Between 1791 and 1810, ten bank charters were granted by New York, with an authorized capital of \$7,434,000, and the State took stock in most or all of these banks.

So successful were her land sales, that, in 1792, with only \$175,037 of total ordinary expenses, New York State made interest bearing investments of \$554,600, and in 1808, when its total ordinary expenses were \$372,664, its investments amounted to \$476,141. In 1820 the State's dividends from its bank stocks were \$318,032. These were unusual years, but showed what interpretation these ex-colonists were putting on their new government for the people. In 1819, the State held \$996,800 in the stock of twenty-five banks.

What better use for the State's surplus than to lend it to its citizens!!

“The struggling farmers and manufacturers looked to the State (New York) for aid and assistance. The State responded by loaning its funds to the cities, banks, manufacturing companies, counties, corporations and individuals; it assisted many a struggling manufacturer by loaning him funds or by discharging debts due to the State, and it became a stockholder in numerous banks and navigation companies.”

Bringing down to date New York's experiment in cashing out her public lands, we find (*a*) that the Land Board sold more than one-half of the total area of the State; (*b*) that this half of the State now has more inhabitants than the whole country had 135 years ago, and has a hundred times the wealth of the entire United States when the Land Board was authorized; (*c*) that these central and western parts of New York are among the most wonderful parts of the nation, whose people enjoy safety and happiness and the blessings of liberty far beyond the wildest dreams of those who framed the Declaration of Independence; and (*d*) that New York State has become truly the Empire State, largely because of her sale of her state lands and her subsequent building of roads and canals to exploit these lands.

All of the States paid their debts by putting their public lands upon the market by the same business methods that any other large land seller would have to adopt; and thereby they restored their credit and were ready to join the procession toward prosperity which started shortly after Washington was inaugurated in 1789; and their history was much like New York's.

It was not a propitious time to undertake the payment or refunding of the debts of the separate States. There was no strong central government able or willing to give them moral or financial support. The whole world was in the throes of war and revolution. Our foreign com-

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merce was rendered largely impossible by England's peace time hostilities, which were almost worse than her war time activities. We had alienated France and our other foreign friends and bankers by our outrageous repudiation of the principal of the loans which had enabled us to win the Revolutionary War, and by our refusal to pay even the interest on such loans—which principal and interest still remain unpaid. The proposal to refund our debts in wilderness lands would not have been possible with a race less hardy and resourceful than our pioneer forefathers, who never knew when they were "licked"; nor could their fight have been won except under the flag of government for the people, based on a government of and by the people, with the slogan of the Declaration of Independence—safety and the pursuit of happiness of the people as individuals and not as classes—as the basis for which human governments were instituted.

Very considerable sums of money were also derived by the various States, and especially New York, from state lotteries. In this instance, what was a crime in an individual was regarded as right when done by the State. New York early passed an act providing that

*"Whereas experience has proved that private lotteries occasion idleness and dissipation and have been productive of frauds . . . each and every lottery, other than those authorized by the legislature, shall be deemed a public nuisance,"*

and forbidden under heavy penalties and forfeitures.

Practically none of the proceeds of these state lotteries were used for the ordinary expenses of the State, but were applied almost entirely for purposive government. Lotteries were popular in the hard times after the Revolution, partly because lottery tickets, prizes and salaries



were payable in coin and not in depreciated currency. The position of lottery manager was among the most honored in the State, and eagerly sought for by the foremost men, because the fees were paid in specie. Probably the people's gambling instinct was no stronger then than it is to-day, but now it has been repressed by one hundred years of criminal statutes which apply to all forms of gambling. In a democracy, evils like lotteries must be eliminated by educating public opinion, and statutes against them can be enforced only when government by the people fully appreciates that such things are not for the people and should be stopped.

So strong was the rage for this form of gambling that the insurance of returns from lottery tickets came even before fire or life insurance, and in 1807 the State forbade the insurance of lottery tickets or the selling of any tickets which the seller did not own (going short of the market). So large a portion of the public favored lotteries that the law against private lotteries was not enforced, and in 1806 a law directed that all persons indicted for maintaining private lotteries should immediately be brought to trial, and that the district attorney must personally conduct such trials. Yet, in a few years, even state lotteries were recognized by the people as gambling, and the state Constitution of 1821 provided that

“ No lottery or the sale of lottery tickets, pool selling, book making or other form of gambling ”

should thereafter be authorized or allowed; although the then pending lotteries were permitted to be carried through.

The following is a brief statement of the lotteries authorized in New York after the end of the Revolutionary War:

In 1788 the supervisors and common pleas judges of Ulster County were permitted to raise 2,000 pounds to rebuild the county court-house and jail, which had been "destroyed by the enemy." Between 1795 and 1814, the State authorized nine different lotteries and several extensions thereof for the following among other purposes: 10,000 pounds to New York City for a poorhouse, because, from the situation of the city it was "necessarily the receptacle of a larger proportion of paupers than any other city or county within this State"; to build or improve many important state roads; to improve the navigation of the Hudson River; to be distributed among certain academies and for the encouragement of common schools; for the Society for the Relief of Poor Widows and Small Children; for "the improvement of the state pier at Sag Harbor . . . for the encouragement of the whale and cod fisheries"; to build numerous bridges and the new state capitol (which is the building now occupied by the State Comptroller in Albany); to endow Union, Hamilton and Columbia Colleges; to erect a pest-house in New York City; to purchase "the botanic gardens established and owned by David Hosack, physician, at a place called Elgin *near said city* (of New York), which were subsequently donated to Columbia College in place of a share in the last lottery, which was given entirely to Union College. These are now the "Columbia College Leases," east of Sixth Avenue, from 47th to 51st Streets, Manhattan.

Before many decades New York had sold all her unappropriated lands, but recently she has re-acquired millions of acres for a Forest Reserve. Having promoted the general welfare by selling her lands, she still further promotes that welfare, under changed circumstances, by buying back some of these lands.

## IX

# THE HISTORY OF THE PUBLIC DOMAIN OF THE FEDERAL GOVERNMENT

“**E**VERYTHING human sins against its own principles,” says Hobhouse, in his *Democracy and Reaction*. Nowhere else in our national history is this truth better illustrated than in our treatment of our Public Domain which is the most wonderful page of our nation’s life and of our purposive government, but is stained by the greed of individuals, our utter neglect of the rights of the public and of posterity, the indifference and shortcomings of Congress and the most colossal frauds. In no other respect has our government by and for the people accomplished more, or been more severely tried or found wanting more wofully.

### I. THE PUBLIC DOMAIN AND ITS BLESSINGS

After the Revolution all the lands west of the original thirteen States, to the Mississippi, passed to the Federal Government, which later acquired additional territory as follows:

Louisiana Purchase,	in 1803,	827,987	square miles
Spanish Treaty	“ 1819,	13,495	“ “
Florida,	“ 1819,	58,666	“ “
Texas,	“ 1845,	369,166	“ “
Oregon,	“ 1846,	286,541	“ “
Mexican,	“ 1848,	529,189	“ “
Gadsden Purchase in New			
Mexico and Arizona,	“ 1853,	29,670	“ “

These lands were opened to settlement through the United States Land Office, and from them were carved thirty-three new States, usually called the Public Land

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States, of ten times the area of the thirteen original States, or fifty-five times the area of New York State, with its 30,000,000 acres of land area.

The opening and settlement of the Public Domain (a) produced a political and social equality in the inhabitants thereof almost beyond that shadowed forth in the Declaration of Independence. (b) It broke down the political conservatism of the still aristocratic East, whose first constitutions required property or income qualifications for voters and some state officials. Until 1821, a New York voter for an assemblyman must possess a freehold of £20 within his county, or pay a yearly rent of forty shillings, and must have paid taxes to the State. There were larger requirements for those voting for senators and the governor, who themselves must possess freeholds of £100, clear of debts. The West never had such requirements. (c) Most of our political revolts have come from the West, which has always been against special privilege. (d) The great growth of our industrial and transportation systems, and of our population and material wealth and power, has been in the Public Land States; (e) which have attracted the best immigrants from foreign races, and amazed the world by their power to assimilate them. (f) The free soil States of the West turned the tide against slavery and won the Civil War. Without these States, the North must have allowed the South to secede or have assented to the extension of slavery. But for the West and the growth and expansion that came through it, we would be to-day a weak agricultural nation of the fourth or fifth class, fringing the ocean from New Brunswick to the Spanish possessions of Florida, with a population of ten or fifteen millions. Europe and the rest of the world are the West's debtors, for a world-wide democratic reaction

which has largely come from the power and spirit generated in the West. Yet there is a darker side to the picture.

## II. WESTERN INDIVIDUALISM AND ITS BLIGHT

Social equality in the West was the homespun article usually found among pioneers; only more so. Servants were "help" or "hired help." Men were not asked who they were, but what they could do. Since a man's past need not be known, the worst outlaw could start over again. Although the conditions were not quite so marked in the scattered frontier settlements as in the crowded California mining camps, they were essentially the same.

"Every man, finding every other man compelled to labor, found himself the equal of every other man; and as the labor required was physical instead of mental, as usual, superiority of head workers over hand workers disappeared entirely. . . . Men who had been governors and legislators and judges in the old States worked by the side of outlaws and convicts; scholars and students by the side of men who could not read or write; those who had been masters by the side of those who had been slaves; old social distinctions were obliterated; everybody did business on his own account, and not one man in ten was the employee and much less the servant of another."

The Iowa Constitution called it "equality before the law, equality in the law, equality in making the law." Men were genuine, even though plain and uneducated, and were judged by their personal worth and ability to make good. No matter how poor a man might be or how much of a stranger, he was received with blunt, unaffected hospitality, unless he showed a niggardly spirit, or complained about the country or the people's manners, or assumed superior airs.

The Government did not offer its lands for sale until

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all underlying titles were cleared away; and often before this very proper red tape had been unwound, much of the best land was settled by strong, forceful men, who had even organized towns, but who knew no law, for there was none which as yet applied to them, except as necessity forced them to do a rude, rough frontier justice. Even if a territorial or state government had been organized, it was poor and feeble and quite unable to assert its power in the wild and thinly settled parts of its jurisdiction. Thus organized society lagged years behind actual settlement, and this territory was at first properly described as "the wild and woolly West." Nowhere else in our country has there been so much of good, so much that was bad, and at times such an indifference to the social and economic needs of society and of posterity.

The pioneer is always individualistic. His life is a hard one, a constant struggle for the little that he gets; and this was preëminently so in our West. Our pioneers as a class not only demanded that the government should be run for them, but that it should not attempt to control them or the things which they "who were on the spot" thought it wise to do. Public sentiment is the voice of a majority of a community, and this was always in favor of lightening the burdens and improving the conditions of the individual and the locality, regardless of how society in general or the future would be affected. In early times the West, as a whole, disregarded two fundamentals in the preamble of the United States Constitution—to "promote the *general* welfare and secure the blessings of liberty to . . . *our posterity*."

Lands were so plentiful that they seemed the most ordinary, cheap and inexhaustible thing in the world. There was no conception that the State or nation or the public welfare or posterity could have any interest in these



lands. Any limitations put by law upon acquiring or safeguarding the use of lands or for the conservation of the public resources seemed ridiculous and unreasonable to the hard-working frontiersman, who, first, last and always was an individualist with little thought beyond his own clearing. Indeed, the West's mental attitude was too often bounded by the horizon of the clearing in which a single settler or a few neighbors lived; and this very narrowness of outlook explains the beginnings of many of the evils which are now troubling the country and having such a bad effect upon the general welfare and posterity.

The following are some of the evils resulting inevitably from the narrow vision of men who neither knew of nor would have cared for modern theories of conservation.

(a) *Exhaustion of soils.* Until very recently our agricultural practice has been hand-to-mouth, extravagant, wasteful. Lands have been overcropped, robbed and abandoned, for plenty more could be had for a song. The Southern colonies grew rich by raising tobacco; but they made no returns to the land, which was long ago exhausted. Land values in Ohio fell \$60,000,000 between 1880 and 1900, although the increasing population should have greatly enhanced these values. James J. Hill said:

"The soil of the West is being reduced in agricultural potency by exactly the same processes which have driven the farmer of the East, with all his advantages of nearness to the markets, practically from the field."

All over the country the average yield per acre is less than it was decades ago. Over thirty per cent. of the farms of Ohio and Iowa are to-day in the hands of tenants, and that means the "skinning" of the soil.

(b) *Exhaustion of forests.* In the older colonies the

forests had been at once a menace and a source of income. They sheltered the wild beasts and the even more savage Indian; but masts, spars, lumber and staves were the principal articles of export—for which the market always was hungry. Therefore, when the forests had been cleared of these marketable products, the remaining trees were girdled and burned. Much of New York's early foreign commerce was in potash and pearl ash, leached from the ashes of her hardwood forests, which were burned by the square mile for this purpose. Likewise in the West the forests hindered agricultural development or offered a ready source of income, and were most wastefully slaughtered by those with honest or dishonest titles, or by mere trespassers on the Public Domain or on private lands—all without regard to the general welfare or the rights of society or posterity. Cut-over lands were not worth paying taxes on, for other lands could be had almost for the asking.

In 1885 the Commissioner of the Land Office reported that

“Depredations upon public timber are universal, flagrant and limitless. Whole ranges covered with pine timber, land along water courses and railroad lines have been cut over by lumber companies under pretense of title. . . . Steam sawmills are established promiscuously on public lands for the manufacture of lumber procured from the Public Domain by miscellaneous trespassers. Large operators employ hundreds and in some cases thousands of men cutting government timber. . . . Under cover of the privilege of obtaining timber and other material for the construction of right-of-way and land-grant railroads, large quantities of timber have been cut and removed for export and sale.”

A large corporation in which the Northern Pacific Railway Company was reputed to be the principal owner

. . . "exploited the timber from unsurveyed public lands for great distances along the line of said road, shipping the product of the joint trespassers and controlling rates in the general market." . . . For twenty-five years "practically every land office report has called the attention of Congress to the glaring timberland-entry, timber-cutting and trespass frauds, and with each succeeding year the situation has become more acute. . . . Legislation has been inadequate, bunglesome and tardy. Congress has been singularly slow in meeting the situation."

The Public Land Commission of 1905 gives 12,183 reported timber depredations from 1881 to 1904. The proportion of reported cases to actual trespasses cannot be known.

"The people have not regarded the laws as protectors of present and future interests, but as obstructions to individual and corporate liberty in the immediate present. The larger public weal has been given but secondary thought, if that."

These conditions, however, have materially improved during the last fifteen years.

(c) *Thefts of mineral lands.* Public opinion winked at the thefts of mineral lands of enormous value by fraudulent and collusive entries and at ridiculously low prices. Large areas of gold, iron and other ores have been thus obtained. In 1907 one-half of the total area of high-grade coal lands had passed under private control, aggregating, with lignite deposits, not less than 30,000,000 acres. It was shown before the Industrial Commission that the United States Steel Corporation owned iron and Bessemer ore properties valued at \$700,000,000; 87,589 acres of coal and coke lands valued at \$100,000,000; natural gas fields valued at \$20,000,000, and limestone

properties worth \$4,000,000. Nearly all of the anthracite deposits were held directly or indirectly by seven railroad companies.

(d) *Thefts of grazing lands.* In the grazing sections, also, local public opinion did not object when great corporations fraudulently acquired all the water rights and then fenced in and took possession of great areas of back lands controlled by and valueless without these rights.

(e) *Subsidies.* The pioneers needed roads, canals and railroads to move their crops and give value to their lands. The subsidies for these public improvements have been enormous and wasteful, and under laws and conditions which made fraud and collusion easy and attractive.

(f) *Railroad grants.* By June 30, 1904, over 117,500,000 acres of land had been certified or located and withdrawn from settlement and entry, on behalf of railroad bounties; an area almost four times that of New York. Here, too, there were gross frauds and immense waste. No doubt the building of these railroads has been worth, directly and indirectly, far more than the value of the lands as they lay on the prairie or in the wilderness, but that is a sorry excuse for the extravagant, wasteful way in which these grants were given. Often they were not applied at all to the uses for which they were made. Insiders on the railroads used the right-of-way surveys to enable them to acquire for a mere song the best alternate sections. The literature upon this subject makes a library in itself and cannot be here touched upon further.

(g) *Water power and water-power sites.* Water-power sites or land controlling water powers were among the most valuable in the Public Domain. Inadequate land legislation, lack of foresight, and the greed of indi-

viduals and corporations have made it possible for private interests to acquire many water-power sites and control much of the water power upon the Public Domain. Recently we have endeavored to undo this evil or prevent its spread in the future, but it was largely a case of locking the stable door after the horse had been stolen. Entries for these lands were fraudulently and collusively made, not as water-power sites, but under the Desert Land, Homestead, Stone and Timber and other acts, including the mining laws; but it is the West itself which will chiefly suffer the consequences of this lack of foresight and inability or unwillingness to enforce the laws or apply them honestly.

(h) *Swamp lands.* The purpose of the Swamp Act was chiefly to enable the States to acquire, drain and redeem large tracts of valueless swamps within their territories. The reports of the Land Office show that this legislation was freely used by the States themselves, by officials acting in their names, and by individuals and corporations to get illegal and fraudulent possession of great areas of rich bottom lands which were not swamps in any sense. The acts were passed in 1849-50 on an estimate that 5,000,000 acres would cover the legitimate swamp lands; but up to June, 1887, patents had been issued for 56,000,000 acres, or about twice the area of New York, and claims had been presented for 75,000,000 acres. The Land Commissioner said in 1887 that the reclamations had not been made as intended, or the lands utilized for the purposes named in the grants; and that the States had used these acts to get the lands to turn them over to railroads, speculators and others.

(i) *Homestead Law and Commutation Act.* Even these laws, designed to put the great bulk of the Public Domain into the hands of individuals in small tracts,

have been grossly misused; largely because local public opinion thought the laws too stringent or winked at the way in which they were misused to get timber, water-power sites or other ultra-valuable lands.

Probably no department of our government has been more faithful in the administration of its trust under more trying circumstances than the General Land Office. It has indeed been a voice crying in the wilderness, pleading for better legislation, warning against frauds and waste, asking for sufficient appropriations to protect the interests of the public; and in the meantime surveying and certifying and passing upon the titles of about 1,250,000,000 acres of unexplored wilderness and prairie, and actually making title to a large part of this area. Even those who know the care necessary to prepare and pass ordinary land titles for a city lot can have but a very slight conception of what it has meant to survey, clear the title of and give deeds for this enormous area, equal to forty times the area of New York State. The Department has had to do this work not merely at arm's length but literally across a continent, dealing with local officials who could not always be trusted, and with a local sentiment which was against the Government a good part of the time. Many of the frauds and waste above referred to could not have been carried through without the guilty connivance of local surveyors and other officials who joined with the wrong-doers to fleece the Government; but nevertheless the spirit and the conduct of the General Land Office and its commissioners and officials have been most praiseworthy, and for the people all the time.

### III. CONGRESS AND ITS BLUNDERS

The opening of the Public Domain called for the greatest wisdom, foresight and disinterestedness upon the part



of our Federal Government, but, instead, raised bitter political and other questions between the North and South, the older and newer States, and other conflicting interests, and has been neglected or opposed by those who owed it most. Furthermore, at first, when it needed the most careful thought, the land problem was considered as secondary to many others confronting the new nation and as merely a convenient way to pay the national debts contracted during the Revolutionary War. No sooner was one dispute settled than it sprang up again in a different connection, or when circumstances or political parties had changed. Serious conflicts began with the very first proposal to transfer the western lands claimed by the colonies. (*a*) Massachusetts, Connecticut, New York, Virginia, the Carolinas and Georgia were known as the Charter States, because, under their colonial charters, they claimed lands outside their own borders; but why should these seven States cede lands to the nation when the other six had none to give up? (*b*) Many insisted that the Charter States had no rights because the lands had reverted to the English Crown in 1763 and 1774; and because the claims overlapped and were in dispute; and besides had been conquered by the nation as a whole. (*c*) Some non-charter States insisted that the cessions should include all unappropriated lands within state borders. (*d*) Subject to what conditions should the nation receive these lands? New York, Massachusetts and South Carolina conveyed without any conditions, but the first offers of cession by Virginia, Connecticut, North Carolina and Georgia were rejected by Congress because of the conditions which they contained. Georgia did not cede her lands until she had sold most of them, about 25,400,000 acres, to the fraudulent Yazoo companies for \$207,580, largely in depreciated securities,

and thus had queered the titles for many years to come. Connecticut reserved the jurisdiction and soil of about 3,500,000 acres in the Western Reserve in northeastern Ohio, but released her jurisdiction when she had sold the soil. Virginia, after providing that her expenses should be reimbursed, certain underlying titles recognized and the territory laid off into states, stipulated that these and all other ceded lands

. . . "shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of said States, Virginia included, according to their usual representative proportions in the general charge and expenditures, and shall be faithfully and *bona fide* disposed of for that purpose."

On many occasions this condition has served to thwart foolish schemes for disposing of parts of the Public Domain. (*e*) The Charter States hesitated to transfer lest the sales of the western lands should interfere with sales of their own unappropriated lands (as in fact they did very seriously), and lest they should (as they did) draw large numbers of immigrants from the older States. At first lands were sold solely to fund the debts of the Continental Congress, and until April 30, 1806, could be paid for in its defaulted securities.

Also there was a serious conflict as to whether the Public Domain should be opened under the New England system of "town planting" or the Southern system of "indiscriminate location." The former system provided that all Indian and other underlying titles should be cleared and the land officially surveyed into townships before sales were made; and fence viewers, as town officials, pointed out the boundaries of the townships and their subdivisions. Titles were sure. Sales were often

by auction. Usually each township was sold and largely settled before another was laid out, and the frontier was thus kept protected by actual settlers. This plan worked well in the restricted near-by areas of the early colonial days, but caused expensive and dangerous delays when applied on the Public Domain, with its immense and far-away wildernesses and its Indian and other underlying titles, which had to be completely cleared up before the lands were surveyed and opened for settlement.

Under the Southern system the colony issued land warrants or certificates for certain amounts of land which might be located on any unappropriated lands and regardless of previous surveys, by so-called public surveyors of little knowledge or experience. The descriptions were very indefinite, so that the titles overlapped and were almost valueless. In one county in Kentucky the original colonial or state patents conveyed six times as much land as there was in the county. Because of these prior "indiscriminate locations," it was never possible to clear the early titles in Tennessee and Kentucky, and therefore these States were not opened through the United States Land Office.

The township system was adopted in the main in 1785, but was departed from in 1787 when large blocks were sold. Congress stuck pretty strictly to its rule not to open lands until the Indian, foreign or possessory titles had been cleared away and actual surveys and plattings made, for which frequently there were no appropriations forthcoming. Thereby the opening of the lands was sometimes delayed for fifteen or twenty years, during which time squatters occupied the best locations and claimed the right to preëempt them when they were finally opened. The Indian titles created much trouble, and sometimes involved exterminating the Indians and

buying them out afterward. The Florida and Louisiana purchases, and the areas acquired after the Mexican War covered French, British, Spanish or Mexican underlying titles, or two or more of these, complicated with the possessory claims of settlers, which were recognized in the treaties ceding the sovereignty.

At first blocks of 1,000,000 acres or more were sold to hasten the payment of the public debt, and no smaller tracts than townships of thirty-six square miles were sold, and surveys were not carried below the township or square-mile sections. Congress' notion was to force a considerable number of settlers to buy a township together and partition it among themselves afterward. The official sale price has, at various times, been fixed at  $12\frac{1}{2}$ , 25, 50,  $66\frac{2}{3}$  and 75 cents, and \$1.25, \$1.50 and \$2.50 per acre. These variations necessitated remedial legislation or readjustments in the Land Office to give the other buyers an equally good deal.

Against the constant advice of experts, Congress, up to 1820, authorized sales on part credit, causing wild speculation; for men bought as much land as they could make the first payment on, hoping to meet later payments from crops or enhanced values. The Embargo of 1807 and the War of 1812 made final payments largely impossible, spreading bankruptcy and producing many relief bills. On September 30, 1819, \$22,000,637 was due on these land credits, and the whole West was in the debtor class. After 1820 sales were for cash, at lower prices, but this too brought a flood of relief bills to reduce the acre prices to earlier purchasers.

For a long time sales were by auctions in Philadelphia, New York and other places far away from the lands, rendering purchases largely a gamble. The first land offices were only recording and not selling offices, and

were so far apart that frequently they could be reached only by a trip of 100 miles through a trackless forest. Adjoining lands issued for military bounties or sold in large blocks to speculators were offered so as to lessen the market value of the public lands. About 70,000,000 acres of the Public Domain were issued for military bounties, largely through scrip for bounties or back pay.

The above are some of the questions which clogged Congressional action and led to lengthy discussions. There may not have been a predominance of Scotch blood in our veins, but certainly we had the habit of the Scotchman who, while he agrees with you on ninety-nine out of one hundred questions, will insist on arguing the hundredth. But we went the Scotchman one better, and resumed the discussion every time that that hundredth question came up again. Often in trying to avoid Scylla, Congress ran into Charybdis, but usually it never put off till next year what it could put off till the year after.

Of one law the Commissioner of the Land Office said:

"It has promoted unnecessary and improvident expenditures, premature and worthless surveys, the corruption of public officers and the unlawful appropriation of vast bodies of the most valuable unsettled public lands. . . . Wealthy speculators and powerful syndicates covet the Public Domain, and a survey is the first step in the accomplishment of this desire. The bulk of deposit surveys has been made in timber districts and grazing regions; and the surveyed lands have been immediately entered under the timberland, preëmption, commuted, timber culture, desert land acts."

The whole history of the United States Land Office is one of appeals to Congress to make proper laws or not to pass improper ones, and thereafter of honest and painstaking attempts to so apply the laws that the people should not be cheated out of their eye-teeth.

The general course of legislation was as follows: The Continental Congress passed the Ordinance of 1785, which established the land system in townships of six miles square, subdivided into lots of one mile square. The first north and south and east and west meridian lines were to commence on the Ohio River at the Pennsylvania border, and only township lines were to be actually surveyed. The minimum price was \$1 per acre, payable in specie or in depreciated government obligation, plus the expense of survey. This price was afterward raised and there was no legislation by the United States Congress until 1796. In 1800 the first land offices were established, with a register and receiver for each. Prior to June 20, 1796, 1,484,047 acres had been sold, for \$117,108 in cash and \$1,084,617 in debt certificates and army warrants. In 1801 the sales were only \$31.22. In 1820 only one-fourth of the settlers west of the Appalachians held under the public land system. The others were in Kentucky and Tennessee, or on state or military bounty reservations or large tracts sold to outsiders in Ohio and Indiana. The Act of 1820 reduced the minimum price to \$1.25 per acre, abolished credit and authorized sales as small as eighty acres, but retained the auction system and provided no relief for former purchasers, causing another deluge of relief bills.

As the country spread west, the operations of the Land Office became more important and intricate. Vast areas had to be thoroughly surveyed, platted and opened through numerous new land offices. When new States were formed, the United States reserved all unsold lands, to be free from taxation until sold. Actual residents upon holdings increased in number. The first settlements were upon the rivers, because they furnished easy means of transportation. Gradually the back lands were



taken up, and roads and railroads had to be built to reach these otherwise inaccessible areas and to connect important centres. The Government granted vast sums for this purpose, either in cash or lands, and also through the Post Office to open post roads and postal routes.

At first all lands had been treated as arable, but the westward movement made it necessary to distinguish between different kinds of lands, and to pass much legislation in connection therewith. Reservations had to be made for Indian tribes and military posts; subsidies were given to canals, post roads and railroads, and to the States for agricultural colleges and other educational purposes; national forests and parks were set aside, and irrigation provided for large areas. Special legislation covered oil lands; stock driveways from the Southern to the Northern States or territories; stock raising areas; public sale of Indian lands; town site and town lot entries; railroad grants and rights of way; swamp lands and drainage areas; power sites and public water reserves; desert land entries; state selections and state grants; Indian allotments; preëmptions; salt and brine deposits; private land claims; mines and mining rights; bird reserves; state desert land segregations, and lands available for other purposes. In carrying out these laws the duties of the Land Office covered surveying and map compiling and drafting, which required careful previous investigation and study; advertising and making sales; recommendation of legislation and carrying it out; detection and preventing of frauds; and granting of relief.

The most important of all legislation was the Homestead Act of 1862, which could not be carried through while the South dominated Congress, but was passed after the Civil War commenced. It was chiefly under this act and its amendments and modifications that the

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arable land of the West was sold in small tracts to actual homesteaders.

A very few statistics will give some idea of the magnitude of the Public Domain and the business operations of the United States Land Office.

Land area of the 13 original states, about	313,075 sq. miles
Of the 33 public land states,	2,261,796 sq. miles

The following grants or entries have been made through the Land Office, the figures usually covering all transactions from the date of the passage of the particular act to June 30, 1917:

Swamp and overflow lands.....	63,873,159	acres
Final Homestead entries.....	170,105,673	"
Desert land entries (final).....	7,774,676	"
Coal land entries.....	610,516	"
Timber culture entries (final).....	9,856,264	"
Timber and stone entries.....	13,386,002	"
Land and scrip granted to states and territories for educational purposes and other uses .....	133,270,428	"
For railroads.....	122,723,656	"
For wagon roads.....	3,242,093	"
State desert land segregations.....	3,711,614	"
Power site restorations (outstanding June 30, 1917).....	2,429,097	"
Public water restorations (outstanding June 30, 1917).....	2,630,805	"
Area of existing national forests.....	176,252,160	"
80 Bird reserves—areas unknown.....		
Lands surveyed.....	1,237,817,686	"
Remaining unsurveyed.....	582,584,394	"
Aggregate cash receipts from May 20, 1785, to June 30, 1917—\$486,071,585.		

Frankly admitting the wrongs, frauds and wastes which have characterized government by and for the people in opening the Public Domain, we may ask what other agency or government existing in 1785 would have gotten better or greater results? Comparisons with other earlier and contemporaneous systems can be easily made.

The Spanish and Mexican methods were then in force in what are now Florida, Alabama, Mississippi, Texas, New Mexico, Arizona, California and other neighboring States. The French system had been applied in the Territory of Louisiana. The English plan had been to give to proprietors huge colonies extending "from sea to sea," with indefinite boundaries, and without much regard to what became of the lands after the central government had thus gotten rid of them; for each colony worked out its own land system. There is a distinct difference between our conduct of our Public Domain and the English conduct of their American colonies which was forcibly brought out by Daniel Webster ninety years ago. After saying that from the origin of the government we had bought out Indian titles and protected the settlers by military force, he continued:

"What English government accompanied our ancestors to clear the forests of a barbarous foe? What treasures of the Exchequer were expended in buying up the original title to the land? What government arm held its ægis over our fathers' heads as they pioneered their way in the wilderness?"

We have constantly kept military reservations and posts at the outskirts of the settled lands to protect the frontier; and our direct and indirect expenses for these purposes have been many times greater than all of the cash returns from the sales of land in the Public Domain.

In Canada the wilderness lands were largely turned over to the Hudson Bay Company and other fur gatherers, who obtained control of immense tracts of land merely by erecting trading posts which dominated navigable rivers and the lanes of commerce. There was no "Westward, Ho!" north of our boundary line until our

progress induced it; but there was a very strong movement in Canada for annexation, because until about fifty years ago there was booming life and growth south of the international line, and a death in life north of it. After the Dominion of Canada was formed in 1867, the Hudson Bay Company offered to sell it practically all of its lands in British Columbia for \$500,000, but the Dominion could not accept the offer, and the great cities of that territory have since been built up around the old trading posts of the Hudson Bay Company and on lands belonging to it. Recently this company sold a single tract in one of these cities for about \$5,000,000, and no one knows the present value of what it offered to the Dominion for \$500,000.

When the United States undertook its land policy, it had no foreign precedents except those of the governments of Spain, Portugal, Louis XIV and George III—in other words, the world's colonial history to that time. If we would estimate the net success of our government-for-the-people land policy, we must measure it against what would have been the present situation if the Public Domain had developed for the past 135 years as English, Spanish, French or Mexican colonies, or by the soviet policy and class hatred system of Prussian Marxism.

We started as national, state and individual bankrupts. Neither we nor any other nation of the time—except possibly Switzerland—had had any experience in government of, by and for the people. None of our public men had had any experience in any independent government; merely in the puppet governments of small colonies which even then had the referendum and recall—but only to and by a European potentate or court official or proprietor.

The United States might have had British Columbia for the taking, but our Secretary of State, Daniel Web-

ster, refused to acquire this territory because it was simply "a breeding place for grizzly bears." Seward bought Alaska, in 1867, for \$7,000,000, merely because the acquisition would oust Russia and Russian influence from this continent. It was only a larger application of the Monroe Doctrine.

Therefore, in the light of the conditions, theories and practice of the world prior to July 4, 1776, we may honestly say that, even with all its shortcomings, government for the people, applied through government of and by the people, has been the wonder of the world when used in developing the Public Domain of the United States. It was never a money-making scheme for the nation; but rather an expensive experiment in applying the purposive functions of the government on a vaster scale than history had ever known before or is likely to know again. It was indeed a "Land Office business"; the biggest thing that our forefathers could conceive of.

From this point on, in studying the wonderful evolution and expansion of our purposive government, we must keep constantly in mind the fact that the United States and most of its States have been the greatest land owning, land selling and land developing corporations in the world. Consequently the very history and development of the nation and States have been largely the outcome of and founded upon their necessities as land owners and sellers. Only thus can we understand our government aid, ownership, operation or control of roads, bridges, canals, railroads, coach lines, telephone and telegraph lines, and our other startling departures from the decentralizing traditions of our English ancestry. Our political course has not been so much governed by a political theory as by the fact that the most important assets of our governments were their lands; and the most impor-

tant class of their inhabitants were the persons to whom they had sold lands. The development of a great progressive and beneficent public land policy does not belong to the constitutional or conductive functions of a government, but to its purposive. Because our purposive land policy affected every part of our national life, the purposive functions of our government have bulked larger than those of any other nation, and have even been greater and more widespread than those of all the rest of the world.

It is apparent, and as we progress will become self-evident, that Marxism, with its exaggerated dominance of the state which is to be dominated by an exaggerated dictatorship of the proletariat, could never have solved the novel problems which have swarmed upon us since 1776.



## X

### CHANGES IN THE POST OFFICE PRODUCED BY GOVERNMENT FOR THE PEOPLE

**I**T is not claimed that the post office or postal service originated under our government for the people. There has been something like a postal service since the beginning of history. It is spoken of among the Persians, Chinese and Peruvians; but the first postal operations were strictly for the potentate and not for the people. Large empires required a sure and reliable means of sending out their mandates, of communicating with public officials and of ascertaining what was going on in all parts of the empire. Thus, as there were no railroads or telegraphs in those days and as armies had to be moved, it became necessary to establish post roads and post routes for government use, and train trustworthy runners or riders to cover the routes. In a few instances the privileges of the post were extended to important private interests which had become worth bleeding or strong enough to need watching. Sometimes the postal service was farmed out to favorites or to those who would agree to pay a fixed sum for its privileges. But these were money making propositions for the government and not primarily to secure the blessings of liberty to the people; and the service was extended only where it would pay for itself. It did not take in the lean with the fat, and therefore covered chiefly the principal avenues of commerce and certain privileged classes of society.

At first the postal facilities in the American colonies were thus farmed out and were very limited in their scope. Afterward the North American colonies were divided into the Southern Postal District, which included the Carolinas, Georgia and the Bahamas; and the Northern District, which extended from Virginia to Canada. The Northern District was established in 1753, with two postmasters general, one of whom was Benjamin Franklin, who served until 1774, when he was relieved by the British Government because his loyalty was doubted. These officials were to have £600 a year if the profits equalled that sum; otherwise, nothing. In the first four years they lost \$3,000, but then began to make money, and Franklin wrote that when he was displaced the colonial post office was yielding three times as much clear revenue to the Crown as the post office in Ireland. Letters consisted of only one sheet of paper, and extra prices were charged for two or three sheets or for any enclosures. Therefore men cultivated a small and compact handwriting.

In 1773 the British postmaster general sent Hugh Finlay to make a survey "of the post roads on the continent of North America." Finlay's original journal upon all the post offices and post roads then existing in America, now on file in Washington, clearly shows the troubles of a painstaking post office inspector in those days. His route led him through all the perils of the North American wilderness of that day, and through the discomforts and hardships of the frontier from Canada to Georgia.

Even then the spirit of insubordination was abroad in the country. The fight was on between the local authorities and the colonial governors sent out from England, and there was trouble everywhere. Of the route between Boston and New York, Finlay says:

"In short, I find that it is the constant practice of all the riders between New York and Boston to defraud the revenue as much as they can in pocketing the postage of all way letters; every deputy postmaster complains against them for this practice, and for their shameful tardiness; likewise of the bare-faced custom of making pack beasts of the horses which carry His Majesty's mail. Every postmaster making complaint, or giving official information, begs that his name may never be mentioned as having made any of these representations. If an information were lodged (but an informer would get tarred and feathered) no jury would find the fact. It is deemed necessary to hinder all acts of Parliament from taking effect in America. They are, they say, to be governed by laws of their own framing, and no other."

This is only one of many instances which showed something of the spirit that our forefathers evinced in pre-revolutionary days.

In 1772, Samuel Adams proposed to the Boston town meeting that the towns of that colony should establish Committees of Correspondence, through which public information could be influenced in favor of any measures intended to promote the colonists' rights and interests, and which could also be used as a basis of joint action, if necessary. After this movement had been successfully launched in Massachusetts, it was taken up in Virginia, which also was having its own troubles with a hot-headed royal governor. Then the Committees of Correspondence spread to all the other colonies, and the Continental Congress, when it first met in 1774, was really a "Congress of Committees" of Correspondence. The Congress took a long adjournment in 1774, and did not reassemble until May, 1775, after the battles of Lexington and Concord—that is, after the country was practically at war—and then it became the Continental Congress and took over the conduct of the conflict.

In connection with these Committees of Correspondence there were circulated a large number of pamphlets and letters in regard to the principles and practice of free and democratic government, and of the right to liberty and the blessings of liberty. These pamphlets for public distribution, or letters to private individuals or public bodies were the most cogent and lucid ever written on the subjects upon which they treated, and had a great reflex influence in strengthening the Liberal Party in England, then engaged in a life and death struggle with George III and the corrupt government which he had been able to force upon the country through his control of Parliament by rotten boroughs.

This wave of government by correspondence or this crusade for liberty through correspondence continued at full tide till 1788, or through the publication of the *Federalist* and the other letters and pamphlets for and against the new Constitution. Among those who thus formed and influenced the public opinion of the colonies and States, or of important parts or individuals thereof, were Samuel and John Adams, Thomas Jefferson, James Madison, Edmund Randolph, George Mason, Benjamin Franklin, Daniel Dulany, Richard Bland, John Dickinson, Thomas Paine, John Jay and Alexander Hamilton. Washington's letters were also of striking power and cogency, and always received the attention to which they were entitled. Never before had the principles of liberal government been so thoroughly or candidly discussed.

It would not have been safe to trust these epistles to the government mail, and so these patriots established what was known as the Constitutional Post Office, which had its own carriers and a rather complete organization between the centres of liberal thought in the colonies. Paul Revere acted as a Constitutional post rider in Massachu-

setts as early as 1773, and his celebrated ride, April 18, 1775, was taken in the performance of his postal duties.

On December 25, 1775, the Royal Post was discontinued in the colonies, and the United States Post Office was established. Benjamin Franklin was the first postmaster general under the Continental Congress, but soon left for Paris as the American representative at that court. He was succeeded by his son-in-law, Richard Bache, who was directed to furnish a list of his employees, so that it might be determined whether there were "any persons disaffected to the American cause." An inspector of dead-letters, at a salary of \$100 a year, was required quarterly to inspect all dead-letters, to account for all money and valuable property enclosed therein, and to communicate to Congress such as contained "inimicable schemes or intelligences." Thus at its very inception, the United States Post Office was not primarily a money making project, or a mere successor to the British Post Office. It was the direct outgrowth of the Constitutional Post Office, whose chief functions were to educate and agitate the people. Secondly, the new government made the Post Office an important agency in its campaign to sell and settle the Public Domain. Everything possible was done to make the new settlers contented in their far-away homes.

The Articles of Confederation had authorized a Federal Post Office, covering interstate but not intrastate mails. Like everything else, the attempts of the Confederation to institute postal service were a failure because that government was neither strong nor trusted. When the new Congress took its first action on September 22, 1789, there were only seventy-five postmasters in the country, and less than 2,000 miles of post roads, covering one long route along the Atlantic coast, with a few cross-

roads reaching important inland towns. The receipts did not cover the \$25,000 of annual expenses. The Post Office was under the Treasury Department, but became a cabinet department in 1829. Samuel Osgood, the first postmaster general, found the postal service thoroughly disorganized. The rates of postage were computed in such fractional amounts (three-quarters of a cent, etc.) that they could not be made out in any pieces of coin current in the United States. Stealing of funds was common, but unpunished, because the penalty was death, and no jury would enforce such a penalty. Osgood also found that if all the letters were sent by the official post, it could pay expenses, but that many letters were sent privately; that there was too much franking of letters; that the revenue from ship letters was not properly collected; that the rates of postage were too high in some cases and too low in others; and that postmasters and contractors consulted their own convenience rather than that of the public.

Throughout all this time we are struck by every one's attitude that the Post Office was purposive in its nature and a necessary part of government for the people. In one of his messages, President Jackson tersely expresses this sentiment as follows:

"In a political point of view, this department is chiefly important as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural—conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the government, and bringing back to it the wishes and feelings of the people. Through its agency we have secured to ourselves the full enjoyment of the blessing of a free press."

From the beginning it was felt that it might be difficult



to make the service pay, because of the immense expanse of the country, its sparse population and the great distances between the chief centres of population. It required a fine executive talent to overcome these inherent evils which did not prevail in the densely populated countries of Europe. It was further felt that the solution was to make the service certain and safe, so that people would write more letters and trust more to the mails. In the eight years of Washington's administration the number of post offices and of miles of post roads and the postal revenues increased more than five times. By 1801 the seventy-five post offices had become more than 1,000, the miles of post road covered had increased over ten times and the annual revenue was over \$300,000. Honest endeavors were made to reach settlements in the lands opened by the States and in the Public Domain. The Post Office tried to keep in touch with the furthest advance of the pioneer, but to do this, government for the people must be stretched to the utmost.

The 800-mile Cumberland Pike was built by the United States, commencing in 1806 and costing \$6,821,246; and the Federal Government engaged extensively in building and in helping others to build post roads and bridges, and later canals and railroads. The postal service encouraged stage coaches rather than mail riders and sulkies, and, wherever it was possible, helped to establish stage-coach lines under contract and even gave monied assistance or subsidies to roadmakers and coachmakers. In 1811 there was a government-owned line of stages opened between Baltimore and Philadelphia, which was operated at a profit; but this experiment was thought to go too far and Congress refused to try it elsewhere.

In 1813 all steamboat lines were declared post routes and subsidized as such; and steamboats took on a new

importance in carrying mails. In 1812 there were over 50,000 miles of post roads and over \$600,000 had been paid into the treasury from surplus postal revenues, but after 1823 all postal revenues were applied to the extension and improvement of the service. By this time there were 7,000 post offices and the Postmaster General reported that "there are few towns or villages in the Union that are not accommodated with mail stages." In other words, the mail subsidies made possible the maintenance of private stage lines which opened up the public lands.

In 1827, President John Quincy Adams, in his message to Congress, said that the mails would soon be carried to the door of every villager in the Union, and yet there would be a yearly surplus of revenue to be

"applied as the wisdom of Congress under the exercise of their constitutional powers may devise, for the further establishment and improvement of public roads, or by adding still further to the facilities in the transportation of the mails."

In 1828 there were about 115,000 miles of post roads and \$1,600,000 of income, and the Postmaster General reported that on many of the post routes mail was carried "at the rate of one hundred miles a day." He further said that

"By withdrawing mail accommodations from all unproductive routes, and substituting a horse for stage transportation on many others, a very large surplus of funds would annually accumulate; but the public convenience would be greatly lessened and the means of information withheld from districts of the country but sparsely inhabited. There is no branch of the government in whose operations the people feel a more lively interest than in those of this department; its facilities being felt in the various transactions of business, in the pleasures of correspondence, and the general diffusion of information."

Up to 1837, the zone system of postage and the high postal rates and many other features of the service remained as they had been for over 100 years. Envelopes were unknown, and there were many ingenious ways of folding letters to prevent the contents being seen. Two sheets still made a double letter. Two bank bills enclosed made a triple letter. There were no stamps, and postage was paid in cash, usually by the receiver. Most mail was carried by stage coaches and steamboats, or by post riders or in sulkies. There was so much difficulty in the accounting system and in collecting from the postmasters that the department used to issue to contractors warrants on their local postmasters.

About this time Rowland Hill had brought about penny postage throughout the British Isles, and lower rates were demanded here. We charged six cents for a letter of one sheet, carried not more than thirty miles; for thirty to eighty miles, ten cents; eighty to one hundred and fifty miles, twelve and one-half cents; one hundred and fifty to four hundred miles eighteen and three-fourth cents, and over four hundred miles twenty-five cents. Double or triple rates were paid for double or triple letters. These rates diverted many letters to private posts.

The first steam railroad mail was in 1834, and in 1838 all railroads were declared to be post routes, but little mail was carried in this way for a long time. In 1846 New York passed a law requiring all railroads to carry the mails. Railroad service was very slow and uncertain, as in some cases horse cars were allowed to run on the same track as steam trains; and one company stipulated in its bid that the rate of speed must be reduced to eleven miles an hour.

The accounting and financial methods of the depart-

ment were thoroughly reorganized in 1836. A third assistant postmaster general and an auditor were appointed and the clerical force increased. All revenues were to be covered into the United States Treasury, and Congress was then to appropriate the sums called for by the estimates of the Postmaster General. Thereafter the department gradually transferred its business from the stage coach to the railroad. The people have never asked Uncle Sam to be niggardly in his conduct of their post office business. In the first thirty years, in the days of small things and before the West had grown very fast or very far, the department annually earned a surplus, except in 1808, when it lost about \$2,300. In the ninety-eight years from 1820 to 1917, inclusive, the Post Office has shown an annual deficit seventy-nine times, but the lean years have often been very lean, and the fat years not so very fat, for the deficits have sometimes been very large and the surpluses not equal to them. It is quite likely that the total deficit would have been wiped out if Uncle Sam had paid like an individual for his franking privileges and the government mail that went free through the Post Office. But, however this may be, the people have felt that their postal accommodations were cheap at any price which they have had to pay for them.

In 1845 the franking privileges were cut down and rates for half ounce letters reduced to five cents for three hundred miles and ten cents for greater distances, and the Postmaster General was authorized to contract with the lowest bidder for the transportation of mail, having regard to the "due celerity, certainty and security of such transportation."

In 1847 the Government was given a monopoly of the postal business, and was to pay \$200,000 to the Post

Office to cover the cost of the franking privileges and official mails. Postage stamps were adopted in England in 1840, and in the United States shortly thereafter. They were first issued by the postmasters in certain cities and by private mail delivery companies, to show that postage had been prepaid. This prepayment was made compulsory in 1855. Between 1845 and 1855 the use of envelopes became almost universal.

None of the earlier official post office systems did more than carry letters from one office to another. Until 1863 this rule continued in the United States, and private carriers collected and distributed local letters and were paid one or two cents for each such letter. In 1858 the first street letter box was put up in New York City. In 1863 free delivery of mail was instituted in 48 cities, with 449 carriers, at an annual expense of \$300,000. This was distinctly stated to be "for the public convenience and a stimulus to correspondence." The postage on drop or city letters was also reduced.

On July 1, 1855, the registration of mail was established. In 1864 postal money orders were issued to accommodate soldiers wishing to remit money to their homes, but the service then covered only 138 offices. In four years this number had increased to over 1,200. Special delivery service, which came in 1885, now handles more than 25,000,000 letters annually. In 1896 rural free delivery was put upon three routes in West Virginia. In twenty years the number of rural mail carriers has grown to more than 44,000, and the annual expense to \$50,000,000. In 1900 there were 76,688 post offices, but these are now reduced to about 55,000, because the increase of rural free delivery service has cut out many crossroads offices, and offices have been consolidated in large cities.

The first postmaster general had under him 118 officers,

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postmasters and employees of all kinds. At present the department has 300,000 officers, agents and employees. The post routes in 1790 were less than 2,000 miles. To-day the mails are carried over 1,500,000 miles of railroad, steamboat lines, automobile routes and important rural roads, and the number of miles of mail service annually performed is 668,930,441. In the year ending June 30, 1917, the receipts of the post office department were \$329,726,116 and its expenditures \$319,838,718. In the same year it issued 12,451,522,177 ordinary stamps; 2,161,708,013 stamped envelopes, and 1,102,337,760 postal cards; and delivered 84,117,774 registered and insured pieces of mail. There are now in operation 56,070 money order offices, which issued last year \$813,318,927 in domestic money orders and \$41,644,878 in international money orders. The department used to estimate how many pieces of mail matter of all kinds it had handled in the preceding year, but it discontinued that practice after 1913, when its estimate was 18,567,455,160.

The postal savings system was established in 1911, with 400 depositing offices and 11,918 depositors with \$677,145 to their credit. On June 20, 1917, there were 7,161 depositing offices, 674,728 depositors, with \$131,954,696 to their credit.

The older policy of improving post roads to facilitate the growth of the country and the convenience of the public has been followed in modern times by the adoption by the Post Office Department of all kinds of modern conveniences and improvements to aid it in its work. There does not exist in the world a more carefully organized department, covering more territory throughout the twenty-four hours of each day, with less of scandal, fraud or loss, and with a more complete desire to serve the general welfare and give the blessings of liberty to



the whole country. In no other branch of our government has government for the people had such a complete and successful trial and achieved such wonderful success.

When the new government took over the post office in 1789, the postal receipts averaged less than a cent per inhabitant per year. Now these receipts at a lower price and over larger average distances, have increased over 30,000 per cent., or to over three dollars a person. This will give some idea of how good service for the people has been appreciated by the people in setting the Government to do more and more work for them.

Of course it is important that there should be a live and constant connection between the department in Washington and its operations and employees in the field throughout the country. This is furnished by about 400 post office inspectors under charge of a chief inspector at Washington and the heads of fifteen divisions. A post office inspector should be a \$25,000 man, content with one-tenth of that salary. He must have the widest postal experience and knowledge, be a good judge of men, and of rare personality. He must be able to discover easily everything that is wrong, lacking or out of kilter in any office or postal route that he visits. He must be thorough and impartial, for if he fails, government for the people in the Post Office also fails. He must ensure honesty, efficiency and whole-heartedness in the service of every employee in the great instrumentality to which the people of the United States entrust more than 50,000 pieces of first-class mail every minute of every day in the year—so far as that employee comes within his jurisdiction. The inspector's duties are constructive as well as inspective. He must make special investigations as to the location, establishment and discontinuance of

post offices, changes in city delivery service, or in the schedules of mail service, selection of postmasters or postal employees or postal service, and detect and apprehend violators of postal laws and regulations; and in fact be the field representative of the Government; that is, of the people.

If one-thousandth of one per cent. of the facilities of the Post Office were used to wrong or defraud the public, the total harm done would be great. Yet the temptation so to use these facilities is almost irresistible. The postal law and regulations meet these evils, first, by forbidding the use of the mails to all intoxicating beverages, poisons, explosives, inflammable matter, and any material which by its nature is liable to kill or injure those handling the mail or to damage or deface other mail with which it comes in contact. Second, by forbidding advertising and correspondence intended to further schemes to defraud, and all matter repugnant to morality and decency, as defined by the federal statutes.

Every device is used by swindlers to prevent their fraudulent use of the mails being known, or to so use the mail that they do not infringe the law. Thirty or forty years ago the department was fighting green goods swindlers, lottery agents and other like frauds; but to-day it is working principally against those who are selling worthless bonds and stocks. The department estimates that the amount of which victims were robbed in 1911 was about \$77,000,000, and in 1916 only \$18,400,000. The department may issue fraud orders refusing to receive mails from certain persons or to deliver mail to them, but this drastic, though effective, remedy is applied only after the report of the inspector is submitted to the solicitor for the department, who gives a full hearing to the party accused, who is allowed to rebut the evidence

offered. If the solicitor finds that a fraud order should issue, he makes his decision public, and thereby not only largely breaks up the particular fraud but deters others of the same kind.

We had a pretty narrow escape from great scandal in connection with the Post Office Department, but eventually we weathered the storm and have learned and applied our lesson. Andrew Jackson not only believed but practised the theory that to the victors belong the spoils. He divided the post offices into four classes, which are now distinguished as follows: fourth class, offices with receipts less than \$1,000; third class, less than \$8,000; second class, less than \$40,000; first class, more than \$40,000. The postmasters of the first, second and third classes are appointed for four years by the President, by and with the advice and consent of the Senate. Formerly the fourth class postmasters were appointed in the same way. This led to much political scandal. With every change of administration there was a rush of new applicants for the local post offices. No other department lends itself more readily to politics than does the Post Office. It reaches every part of the town or village in which it is located, and there is an immense amount of patronage connected with it, which was at once a political asset, and, if ruthlessly used, a political nuisance and a political danger. This has been largely overcome by directing that the postmasters of the fourth class shall be appointed for indefinite terms under civil service rules, and that the applicants for first, second and third class posts shall pass an efficiency test by the Civil Service Commission to assist in determining the best qualified applicant to be named to the Senate. Possibly no one of our political methods has caused more heartburn than the four-year term of the fourth class postmasters. This

feature alone tended to make the department a political bureau of the government, having a larger number of appointees than any other. It necessarily interfered with the efficiency of the department, but it was a long time before any President dared to cut off this supply of political patronage and make the Postmaster General something besides a peddler of small offices. This part of our subject belongs more properly in Chapter XVIII, dealing with Civil Service Reform, and will be further dealt with there.

## XI

### HOW OUR PURPOSEIVE GOVERNMENTS HAVE BUILT AND AIDED INTERNAL IMPROVEMENTS

**I**N considering what our governments have done for the people we shall disregard all that the people have done for themselves through private capital and efforts in building and operating roads, post routes, bridges, canals and railroads, and study only how far our national, state or local governments, in a purposive way, have built and operated, or assisted in building these means of internal transportation. We are not studying here the wonderful growth of our country and its resources; but only the direct aid which our governments gave to the people in bringing about that growth.

In applying purposive government to internal improvements, our people have not followed a well defined and carefully thought out and executed course, but have adopted and applied vacillating policies which have been frequently completely reversed. When at first the payment of the public debt was the chief object, all saw that the debt could be paid only by selling the public lands, and that the lands could be sold only by opening them up by internal transportation routes over which immigrants could take in their families and goods and send out their crops and products. Therefore every one agreed that extensive internal improvements should be carried out and paid for from the proceeds of the lands; but only one scientific plan for such development was

officially proposed, and that was neglected and soon forgotten. The water ways were pretty well known, and for a while people could settle along the river banks, but soon roads to the interior were required. In the lull in military operations between the battle of Yorktown and the final treaty of peace, Washington had carefully explored the Champlain Canal route and afterward followed the Erie Canal route by going up the Mohawk River to Oneida Lake, and then on to Oswego and Lake Ontario. He also went south along the Susquehanna. This, with his explorations in western Pennsylvania and along the Ohio, made him advocate a great system of internal navigation, to be built and owned by the Government, and more than any one else he foresaw the value and possibilities of our unappropriated lands and the Public Domain.

In 1808, at the request of the United States Senate, Albert Gallatin, as Secretary of the Treasury and the recognized authority on the Public Domain and its development, drew up an elaborate scheme for the improvement by the Federal Government of internal navigation and transportation, to cover the whole country, and involving an expenditure of \$2,000,000 a year for ten years. He proposed (1) a series of canals from Cape Cod, Mass., to Cape Fear, N. C., giving interior and protected navigation along the coast; (2) a turnpike extending from Maine to Georgia; (3) the improvement of the Susquehanna, Potomac, James and Santee Rivers, and opposite to them and west of the mountains, of the Allegheny, Monongahela, Kanawha and Tennessee Rivers, with four great roads stretching across the Appalachians to connect these four sets of rivers; (4) a canal around the falls of the Ohio; improvements of roads to Detroit, St. Louis and New Orleans, and the completion of the Champlain Canal



and the Erie Canal, as proposed by Washington, and of a canal around Niagara Falls.

The Embargo of 1807 and the War of 1812 killed off all financial undertakings and sidetracked Gallatin's truly great plan; but the war itself greatly quickened the demand for comprehensive internal transportation. Land communication in the colonies had been by trails or dirt roads, which became practically useless in wet or frosty weather or with heavy traffic. We undertook the War of 1812 enthusiastically because we believed we could easily invade and capture Canada. Henry Clay boasted that "the militia of Kentucky are alone competent to place Montreal and Canada at our feet." No one had appreciated the difficulties of carrying on the war when there were no roads in Michigan, Ohio or northwestern or northern New York over which men, guns, ammunition and supplies could be transported. It cost \$60 to send a barrel of flour from New York to Detroit, and \$1,000 a ton for cannon balls and other ammunition; and this at a time when there was practically no currency in the country, but only barter. Canada could be invaded only over forest trails which were frequently cut by swollen rivers and which led through swamps laden with fever and filled with insect pests during the summer, which were treacherous in winter, and at all seasons infested by Indians. The loss of life, health and treasure arising from poor means of transportation during this war showed the nation, as nothing else could have done, the imperative need of internal improvements to be built in a purposive way, by the federal and state governments.

About this time, two political forces became arrayed against the too rapid development of the Public Domain. New England and New York felt its competition in sell-

ing their own lands and in the constant drain to the West of some of their best citizens; and for a while opposed the opening of the Public Domain.

Secondly, when the United States Constitution was adopted, all sections agreed that slavery was not, upon the whole, an advantage to the country, and differed chiefly as to the best time and method of abolishing it. But thirty years later the South saw more clearly the value of the slaves in its economic development in competition with the free labor of the North and West, and realized that the formation of many new states in the West would eventually overturn slavery. Thereupon the South took the position that the admittedly indefinite words of the Constitution did not authorize the Federal Government to own, construct or aid internal improvements. Even as great a stickler for a strict construction of the Constitution as John C. Calhoun had at first formulated and actively advocated extensive policies for opening the Public Domain. But he became frightened and completely reversed himself when he found how this was playing into the hands of Henry Clay and other political opponents who believed in a strong nation and a strong national policy.

When Indiana was admitted in 1816, Mississippi in 1817, Illinois in 1818, and Alabama in 1819, all political parties realized how the new States in the West and Northwest might soon turn the balance against slavery. This swung the New England and Middle States to the support of the West, and to the same degree made the Southern States oppose its development. Presidents Madison, Monroe and Jackson vetoed appropriation bills to aid public improvements, but in some cases advocated amendments to the United States Constitution. This cut out federal aid to a large extent, greatly hindered the

growth of all purposive government, and threw the burden upon the States and local authorities until the North got control of the Government in 1861 and set about to develop the free soil Public Land States to overcome or offset the slaveholding South.

Government aid naturally falls under four heads: I. Roads, post routes, turnpikes and bridges; II. Canals; III. Railroads; IV. Public utilities. The aid may have been by the federal, state or local governments, and may have taken the form of actual construction, ownership and operation, or of some one of many forms of subsidizing or lending direct financial aid.

#### I. ROADS, POST ROUTES, TURNPIKES AND BRIDGES

We need not repeat the statements of Chapters X and XI, showing how the Federal Government built and aided in building post roads and post routes in the older States, and then gradually pushed out into the wilderness to keep in touch with the advancing frontier. The Post Office had a large income and frequently a substantial surplus which it could spend in addition to direct appropriations to extend its successful and necessary work for the people. One continuing form of federal aid was formally adopted when Congress, in 1802, admitted Ohio as a State, reserving all existing rights to unsold public lands, but agreeing that one-thirty-sixth of the proceeds of these lands, as sold, should be given for schools and five per cent. should be applied toward building roads to the Ohio River from navigable waters flowing into the Atlantic, and afterward to roads within the State; such roads to be laid out under the authority of Congress. It was felt that these roads would contribute

. . . "toward cementing the bonds of the Union

between those parts of the United States whose local interests had been considered as most dissimilar."

Thus a policy was adopted which must continue in force until all public lands in Ohio were sold, and which was applied to States subsequently admitted.

The United States undertook one grand venture in road building which stands out relatively as the most important in our history. Between 1806 and 1840 it built, owned and operated the Cumberland Road or the Cumberland Pike, designed to open up the West to immigrants and to provide for military and postal transportation. It was to be built at the national expense, from the proceeds of public lands. This was felt to be only fair, since money to make similar improvements in the East was obtained from customs duties at their ports. On March 24, 1806, the President, Thomas Jefferson, was authorized to appoint three commissioners to lay out the road from Cumberland, Md., to Wheeling on the Ohio River, to be thereafter continued, by annual appropriations, until it reached St. Louis, Mo. By 1840 it had been extended eight hundred miles and Congress had advanced \$6,821,246 for its cost. Its further extension was prevented by a quarrel as to where it should end, and by the increasing growth of railroads which reduced the availability of the Pike. It was a toll road, but when its tolls decreased to about one-sixth of the annual cost of maintenance, it was parcelled out to the States through which it passed.

In 1816 the charters of the Baltimore banks were extended on condition that they would continue the Cumberland Road east to Baltimore. This proved a good investment, for the road stocks often paid twenty per cent. a year. The appropriations to extend the Cumberland Road became the chief bone of contention between the

strict constructionists of the Constitution and those who wished us to be a nation. After signing two annual bills for this purpose, President Monroe vetoed the third in 1822. His successor, John Quincy Adams, helped the Road on through Ohio and Indiana. Andrew Jackson vetoed its appropriations and the Road was stopped. With President Van Buren's coöperation, the Road got as far as Vandalia, Ill. During these years there was always a majority in Congress in favor of having the Federal Government undertake internal improvements, but not a sufficient majority to override a presidential veto. In 1816-17 no one foresaw the extent of turnpikes, canals, railroads, steamboats and telegraph lines which this country would require in a few decades. If at that time any great statesman had truly perceived and shown the people that the purposive functions of the Government were far greater than its constitutional, and that the purposes of the Constitution were on even a higher level than its words, internal improvements would have been undertaken upon a great and impartial scale extending equally to all sections; and in forty years the Union might have been bound together by a similarity of interests strong enough to have prevented the Civil War. Here again all eyes were fixed upon government *of* the people and not upon government *for* the people; upon the interpretation of certain indefinite words in the Constitution, instead of upon its purposes as set forth as the justification for passing that Constitution:

*“ Preamble: We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish for the United States of America . . . .”*

There was nothing in the state constitutions to prevent their building and owning turnpikes, roads and bridges, or giving direct or indirect financial help thereto. Prior to 1813, New York had given legislative charters for over 180 turnpikes and for scores of toll bridges. She had also built north and south, east and west throughout the State a network of state roads, largely from the proceeds of the sales of her lands or of her nine state lotteries. Pennsylvania began to make contracts and appropriations for roads in 1790, but especially after 1809. By 1811 the appropriations were over \$825,000. Between 1809 and 1814, inclusive, forty turnpike acts and twenty bridge acts had been passed. By 1817 the State had spent \$2,250,000 and citizens \$5,000,000 on internal improvements, resulting in 1,000 miles of turnpikes and many fine bridges. In 1816 Virginia appropriated funds "to be used exclusively for river improvements, canals and public highways." In 1818 South Carolina appropriated \$1,000,000 for like purposes, payable in four annual installments.

These turnpikes were usually fairly well built and graded macadamized toll roads, and it was fifty years or more before these roads and bridges were taken over by the state authorities, thoroughly rebuilt and made free. Some of these roads in the States were actually built, owned and operated by the States themselves. In other cases the cities subscribed and paid for the capital stock of the companies or made cash or land subscriptions toward their cost; but from the time of the Revolution government for the people meant state ownership or state aid in building roads and bridges. We have no records showing what it has cost subsequently to buy up those roads and bridges and make them free highways and maintain them as such.



## II. CANALS

It was only a short step from the Indian's carry or portage around the falls or rapids of a navigable river to the white man's canal to prevent the breaking of loads at those points. Our network of lakes and navigable rivers was so extensive that, even in colonial days, we find dreams of portage canals that were only prevented by unsettled political and financial conditions from becoming realities.

The Federal Government gave no aid to canals except by its subscription to the stock of the Chesapeake & Ohio Canal, and by its grant, between 1827 and 1830, of 1,650,000 acres of land, and later of about as much more, to aid canals which opened some parts of the Public Domain. The opening and operation of the Erie Canal by the State of New York, after it had proved a failure in private hands, stands out conspicuously as the most important canal work ever done in this country, both as to its financial and economic success and its incentive to other works of the same character. Such a canal had been advocated by Washington as early as 1785. In 1792 the New York legislature chartered the Northern Inland Lock Navigation Company to connect the head waters of the Hudson with Lake Champlain, and the Western Inland Lock Navigation Company to connect the Hudson through the Mohawk River and Oneida Lake with Lake Ontario, at Oswego, and with Seneca Lake. Those companies built small disconnected parts of their lines, but relinquished their charters in 1808. The War of 1812 prevented the State from taking any definite action, but in 1815 DeWitt Clinton and four others were appointed as commissioners to make careful examinations of the proposition and report upon its feasibility and cost. Their report was favorable; Clinton saying that

. . . "the journey from Lake Erie to Albany can be completed in ten days with perfect safety; and from Albany to New York there is the best sloop navigation in the world."

Upon their report they were appointed Canal Commissioners to build and open the canal. Ground was broken at Rome, N. Y., on July 4, 1817, and considerable portions of the work were finished from time to time, so that the State was deriving some income before the canal was formally opened, on October 28, 1825. On that day Governor DeWitt Clinton started from Buffalo with a party on board the canal boat *Seneca Chief*, accompanied by a large flotilla of boats. His time of leaving was "telegraphed" to New York by successively firing cannon placed about two miles apart throughout the whole distance. The final report was received in New York, 513 miles, in eighty minutes, and the answer was returned in the same way and in about the same time. Clinton reached New York in nine days. The people of the State gave themselves up to unrestrained enthusiasm, and celebrations, banquets and grand balls were held in the villages along the canal and in the larger cities throughout the State.

Originally the Erie Canal was 363 miles long, 40 feet wide at the top, 4 feet deep, and carried boats of 30 tons. It had 81 locks to overcome 700 feet of elevation, and cost \$7,143,789.86. The Champlain Canal cost \$1,257,608. The Erie Canal opened up the western parts of the State and the eastern part of the Public Domain, made New York the metropolis of the country, and increased the value of lands and of farm products by reducing the cost of transportation to market, and by making it possible to get bills of lading upon shipments, which, through the banks, could be realized on at once.

In 1819 the domestic exports of Louisiana were the largest in the country, and in 1820 those of South Carolina, but since those years New York's exports have exceeded those of any other State. In building its canals, New York wisely acquired or reserved and developed all of the water powers then dormant in its scores of large lakes, and its surplus water system for many decades furnished the power for many mills. Small as it was, the Erie Canal was a financial success from the beginning, producing \$500,000 of tolls immediately upon its completion, and \$1,000,000 in 1830. In 1836 the State determined to increase the canal to 70 feet on top, 56 feet at the bottom, and 7 feet deep, with locks 110 x 18 feet, accommodating 210-ton boats. This increase in size was hindered by the panic of 1837, and attended by much tribulation and scandal, so that it was not fully completed until 1859.

In 1873 the number of tons moved on all New York canals was 6,678,370. In 1868 the value of products so moved was \$305,301,929. In 1862 the State received tolls of \$5,188,943. New York State also built a large number of other canals, often of little value and later sold out or closed. Canal tolls were abolished from December 31, 1882, to which time the construction and improvement of her canals had cost New York \$78,685,581; but her canal revenues had been sufficient to pay this cost and the cost of operating, and leave a net surplus of \$8,333,457, notwithstanding the admittedly bad way in which the canals had frequently been administered.

The opening of the Erie Canal drew business to New York City from all parts of the West and seriously affected the southern routes of transportation through Pennsylvania, Maryland and Virginia. In 1826 Pennsylvania instituted an elaborate system of canals, the

chief one being to Pittsburgh, over the Alleghany Mountains. It was completed in 1834, at a cost of \$50,000,000. It followed the rivers on the east and west sides of the mountains, and then surmounted the summit (2,491 feet high) by carrying its boats over a railroad thirty-seven miles long, consisting of a series of levels and inclined planes, worked by stationary engines like the present switchback railroad at Mauch Chunk, Pa. Neither the canals nor the railroad ever proved a success, and in 1857 the State sold the main line to the Pennsylvania Railroad for \$7,500,000, and the branch lines to various parties for \$5,000,000.

In 1832 Ohio opened two canals, from Cleveland to Portsmouth on the Ohio, and from Toledo to Cincinnati, capable of carrying 30-ton boats. These new north and south lines had one curious effect: products which were harvested or cattle which were killed in the fall, about the time the Erie Canal closed for the winter, were sent south to New Orleans; while flour and other products which could be shipped in the summer went east by the Erie Canal. The huge live-stock traffic of the railroads has been their own product, for formerly cattle were driven on the hoof and never sent by canal.

In Indiana the Miami Canal was finished in 1855, but soon sold to the railroads. Illinois opened a canal from Lake Michigan to LaSalle, at the head of the navigation of Illinois River, but this soon fell into disuse, until used thirty-five years later by Chicago for her drainage canal. The Chesapeake & Ohio Canal was built from Washington, D. C., to Cumberland, Md., to connect with the Cumberland Road, at a cost of \$11,000,000, furnished partly by Maryland and Virginia and partly by stock subscriptions from Congress and from the cities of Washington and Georgetown.

In the third decade of the last century, the States discovered, to their surprise, that they could get money from abroad, and obtained chiefly from this source the funds to build their canals. The panic of 1837 and the coming of the railroads checked canal building, and of the 4,468 miles of canal, mostly constructed between 1830 and 1840, only 2,500 miles were in use in 1880. The Erie Canal was completed in 1825, before any steam railroad had been chartered, and it was then the universal opinion that a complete system of canals would solve all the heavy merchandise transportation needs of the country. Most of the canals paid for themselves either in tolls or in decreased cost of transportation and the opening up of new territories; and the era of canals, mostly built and operated by state governments, prepared the public mind for the next vast scheme of internal transportation by railroads, telegraphs and telephones.

### III. RAILROADS

The first notion of railroads in this country was either that they were tramroads over which freight cars were to be drawn by horses, or that they were a sublimated form of turnpike where every man could use his own carriage upon paying tolls. Hence the first companies were, like the turnpike companies, authorized to erect toll houses to collect tolls. The roads had even tried sails, and it was some time before the steam locomotive was introduced. The Baltimore & Ohio Railroad, in its specifications for its first locomotive, provided that it must not be over three and one-half tons in weight, and be capable of drawing fifteen tons on a level, including the weight of wagons, fifteen miles per hour. The rails were pieces of scrap iron fastened upon longitudinal sills or sleepers.

The attitude of the governments toward railroads during

the early part of their development was that of encouragement and assistance. State stocks were issued to railroad companies, with the expectation that the railroads would pay the annual interest and the principal as it fell due. The State was secured by an ordinary mortgage on the company's property, which covered only its track and the land connected with it, and not its personal property or rolling stock, and imposed no liabilities upon the officers or directors of the corporation.

Between 1827 and 1842, New York loaned the following amounts to new railroads: New York & Erie, \$3,000,000; Canajoharie & Catskill, \$200,000; Ithaca & Owego, \$315,700; Auburn & Syracuse, \$200,000; Auburn & Rochester, \$200,000; Hudson & Berkshire, \$150,000; Tioga Coal, Iron, Mining & Manufacturing Company, \$70,000; Tonawanda, \$100,000; Long Island, \$100,000; Schenectady & Troy, \$100,000. The railroads defaulted on \$3,665,700 of these loans, and the State had to take up its stock. When the first New York railroads paralleled the canals, their charters authorized them to carry passengers only, but subsequently they were allowed to carry freight upon paying the regular canal tolls. In 1851 all canal tolls on railroads were abolished.

Other States actually built, owned and operated railroads. From 1837 to 1846, Michigan tried to run two roads which she had built across the State, but sold out in 1846. Georgia in 1836 started a road from Atlanta to Chattanooga, Tenn., which is still owned by the State, though leased. Pennsylvania owned and operated two railroads, one of them the switchback already mentioned in connection with its canals. Illinois had a short state line railroad near Springfield. From 1839 to 1843, Indiana owned twenty miles running from Madison north. North Carolina subscribed for a majority of the stock of



what is now a part of the main line of the Southern Railway. Many other States appropriated large amounts to buy stock in railroads, with representatives of the State upon the boards of directors. Loans were made on credit and as actual gifts. In 1836 Massachusetts made the first of a series of loans to railroads, amounting in all to \$6,044,000. It is estimated that the total subscriptions of the States to railroads prior to 1840 exceeded \$10,000,000 in addition to their investments in canals and post routes. Counties, cities, towns and villages made subscriptions and gifts of cash, rights of way and station grounds, so that of the 2,795 miles of railroad built from 1830 to 1840, at a cost of between \$70,000,000 and \$80,000,000, probably one-quarter came from the public treasury. In the panic of 1837, many companies failed and most stock subscriptions were lost.

In the South the transportation of cotton became very important after 1830, and later made the railroads valuable. Before the Civil War the Southern States had borrowed abroad \$50,000,000 and the whole country had borrowed about \$200,000,000. In 1838 the state foreign and domestic loans of the country amounted to about \$170,000,000, almost entirely advanced for roads, canals and railroads. The contemporary comments upon these expenditures; the speeches and the pamphlets which sought to have them authorized; the orations which were delivered at their completion, all spoke of them as things done *for* the people, to bring them safety and happiness and secure them the blessings of liberty. Their purposes were understood and stated at the time to be for the people—purposive government—and largely to open and settle the public lands.

Later, state loans went out of fashion and often were forbidden by the state constitutions; but the people still

wished new means of transportation before roads could be built by unaided private capital. Therefore it became customary for towns and counties to issue their own bonds in exchange for those of railroads to be built through their boundaries. Sometimes the roads increased the interest of these localities by surveying alternative routes through rival towns and counties for the purpose of getting these to bid against each other for the road. It is difficult to find statistics as to the amount of county and municipal bonds thus issued to aid railroads. The census of 1870 showed that there were then outstanding \$185,000,000 of such bonds, but there is nothing to show how many had been previously paid off. Judging from the more or less complete records of New York, Massachusetts and Illinois, there is no question that our total county and town aid to railroads amounted to many hundreds of millions of dollars.

Coming to federal aid to railroads, we find that the Government has patented directly to railroads over 122,000,000 acres of the Public Domain, largely in connection with local railroads in the various territories or States. Its greatest contribution was that connected with the Union Pacific and Central Pacific railroads, which did not close until it had brought shame upon the nation. These roads were to build through 1,775 miles of wild and desert country. The Union Pacific was to run exclusively through United States territories, from Omaha to the California boundary, and was given: (1) a right-of-way through the Public Domain; (2) twenty sections, or 12,800 acres, of public lands for each mile of road; (3) loans of United States bonds not exceeding \$50,000,000, secured by a second mortgage. Similar subsidies were given to connecting lines. The controlling stockholders of the Union Pacific organized themselves into

the Credit Mobilier, to which they awarded a contract to build and equip most of the road on terms which secured to themselves all important profits. To carry this through, Oakes Ames, a congressman from Massachusetts, distributed at par to his associates in Congress large amounts of Credit Mobilier stock, which within about a year had declared dividends of about 340 per cent. Ames said that he put the shares "where they would do the most good to us," and this was evidently so, for when all the iniquities of the operation were revealed by investigation, Congress voted that all congressmen concerned in the affair were "guiltless of corrupt acts or motives."

Thus we find that for one hundred and thirty years our federal, state, county, town and city governments have been building, owning and operating or lending money to or subsidizing all kinds of internal transportation projects; that this method of helping the people has often bred great frauds and scandals, and incidentally has given us much political experience from which we have learned many lessons which have led us to put new and stringent checks upon our public officials and bodies.

We have recently entered upon a distinctly new phase of government ownership and aid of internal transportation.

*Roads:* The development of the automobile for pleasure and business purposes has made it necessary to extend and entirely reconstruct our highways. This interests the country as a whole, rather than its former small road districts or other local units. The wear and tear upon these roads is very great, and make construction and repairs correspondingly expensive. They are used not only by the people and their families and guests in their pleasure automobiles, but must also solve questions of economic and industrial transportation resembling closely

those which compelled our governments to develop internal transportation a century ago. Therefore the federal and state governments are uniting to build, at public expense and largely from the proceeds of long-time bonds, great interstate roads which will completely dwarf in every way the Cumberland Pike which dragged its slow length of construction over a third of a century. Likewise the state and county governments are jointly bearing the expense of their own great roads. As all these highways will be free, their cost will not be returned to the public treasury through tolls, but must be considered permanent investments through government for the people, which can be paid for only by the indirect benefits to the country, state or county as a whole, and to every person interested therein, in particular. There is no telling where this development will stop, because no one can foresee the transportation changes to be wrought by the automobile truck and possibly by the aeroplane. The first steam marine engines weighed a gross ton to a horse-power. The lightest aeroplane engines require less than 1-1000 of that weight to develop a horse-power. Government for the people must meet and provide for the economic changes which have and must come from such an economic advance in the development of power.

*Canals.* The Panama Canal followed closely the history of the Erie Canal. After private corporations had struggled for years to construct the Panama and Nicaragua canals, the United States stepped in and built the former and squelched the latter. While the canal tolls will undoubtedly, if continued at the present scale, eventually pay all expense of carrying on the canal and furnish a sinking fund to liquidate its cost, its true value is *for the country* in a military and moral way, and *for the people* in bringing our western and eastern coasts to-

gether and our eastern and southern ports nearer to those of the Pacific Ocean in a commercial way. Here again we can afford to write off to profit and loss, if necessary, the whole cost of the canal and its management and maintenance, and make a handsome profit from its indirect advantages. New York State has recently spent over \$100,000,000 in rebuilding and enlarging the Erie Canal, and this too must be paid for by indirect advantages, since all canal tolls have been abolished.

*Railroads.* The older forms of federal or state aid to railroads have passed, but the Federal Government is building and operating railroads in Alaska, and may have to extend this policy to other overseas possessions.

#### IV. PUBLIC UTILITIES

During the past seventy-five years, our cities have increasingly taken over the ownership of their waterworks and other similar utilities. New York and other large cities have found it necessary to build bridges and to give municipal aid in constructing subways. It is not necessary to go into details as to these present-day activities in purposive governmental business. We have become so accustomed to municipal water systems that we quite forget that this is pure paternalism, even if judged by the standards of a century ago. This is shown by the history of the Manhattan Company detailed on page 63 *ante*. In addition, New York City has issued several hundreds of millions of dollars of bonds to build municipally owned subways and bridges. It is impossible to tell what billions of municipal securities are now outstanding for the construction of these and other kinds of utilities which are strictly for the benefit of the people.

## XII

### HOW OUR PURPOSEIVE GOVERNMENTS HAVE DEVELOPED PUBLIC EDUCATION AND THEIR HUGE EXPENDITURES THEREFOR

SCHOOLS, colleges, universities and other like instrumentalities for extending education to the young and old belong among the purposive functions of our nation and States and not upon their constitutional or conductive sides. This is also true historically. The early English government, which had practically no purposive functions, took no direct interest in schools, either by making appropriations therefor or through exercising control, upon a larger or smaller scale, over the running of the schools. The local governments would not have trusted the central government to employ an army of men teachers and levy taxes to support them. That would have raised and turned over to the control of the King a large number of men fit for military service. Nor did the local governments of England see any reason why they should support schools, for there was no popular demand for public schools. In early England the Church had arrogated to itself substantially all educational functions, although there were some private endowments. Nor was there in Continental Europe any system of public schools as we understand it.

In some of the American colonies there had been an honest effort to offer some facilities for education. Harvard was started in 1638, as a boarding-school-divinity-school college for the training of clergymen, and during their early years Harvard and Yale were the official



divinity schools of their respective colonies. For 150 years after Harvard's founding, there was very little schooling below it and no professional schools above it. Massachusetts maintained "writing schools" in which reading, writing and arithmetic to the Rule of Three were taught. There were a few "grammar schools" at which a boy could get a smattering of Latin and possibly a little of Greek to enter Harvard. In college, at first, he had no mathematics except in his senior year, when he studied arithmetic, algebra and astronomy as mere culture courses and as a side line for his really important studies, Hebrew, Syriac, logic, rhetoric and theology. Arithmetic was not even required for entrance in Harvard until 1815. In most of the colonies the public school system, if any, was very rudimentary.

Our educational system is quite contrary to any of the traditions which our forefathers brought from England or from any other country, or which we derived from our colonial days, when our governments were largely puppet governments under domineering governors appointed by the Crown. Our system is a novel application of purposive government along the lines of the Declaration of Independence. As soon as the colonies became States, they gave more attention to public education. In the first fourteen years of New York's statehood (1775 to 1789) her legislature granted only two corporate charters, one to incorporate the Regents of the University of New York, on May 1, 1784, and the other to the trustees of a local school. Thomas Jefferson was the most far-sighted and best equipped, educationally, among our great leaders. In his many years abroad he had carefully studied whatever educational systems or institutions were then in existence in Europe. The charter which he drew for the University of Virginia was at least seventy-five years

ahead of his times, and showed a foresight and breadth of vision which many of our colleges and universities will never attain. Yet Jefferson, in his wildest dreams, never imagined anything like the efforts and resources which we have put into our educational systems since 1861.

Prior to the Revolution, the following so-called colleges had been formed: Harvard, 1638; William and Mary, 1693; Yale, 1701; University of Pennsylvania, 1740; Princeton, 1746; Columbia, 1754; Brown, 1764; Rutgers, 1766; Dartmouth, 1769. Outside of their Latin, Greek, Hebrew, Syriac and divinity studies, the curriculum of these colleges would not have ranked with that of our best grammar schools of to-day. The grade of the studies of a college depends largely upon the secondary schools which fit its pupils. There were no such preparatory schools in the early days, but boys usually got their preparation for college from their clergymen, or possibly from some local college graduate. Boys often entered at twelve and graduated at fifteen, sixteen or seventeen. It is said that John Trumbull, of Yale, 1767, was fitted for college at seven, but did not enter until the mature age of thirteen. Cotton Mather (Harvard, 1678) graduated at fifteen; Paul Dudley (1690) at fourteen.

“Edward Everett was at the time of his election (as Harvard’s president) probably the most distinguished and scholarly graduate of the college. He entered college when he was less than fourteen years old. He graduated with the first honors of his class. Before he was of the age of twenty he became pastor of the Brattle Street church and had written a book entitled *A Defense of Christianity*, which was received with much approval.”

The colleges were in essence professional schools and the only place where boys could get a higher education or a professional schooling. As Henry Ward Beecher said,

college graduates up to sixty years ago formed a separate aristocratic class by themselves. None of these colleges were free or part of a public school system.

In New England and New York, and under the earliest laws as to the Public Domain, lots were set aside in each township for school, literature and gospel purposes; but the attempt in the North and West to build up a good public school system was largely a failure because that system was too minutely divided and based upon too small a territorial district—the school district. The country was very sparsely inhabited, and until the towns, counties or States adopted the coöperative method, and assumed control of the educational system (within the past eighty years), that system was a practical failure, except where some earnest teacher or wise committeeman locally redeemed the situation. The figures given below show how impossible our present progress would have been if we had continued our attempt to found the conduct of our educational system upon the school districts. Men cannot organize an efficient army of 23,000,000 and over, upon the militia plan based upon town or village units. If such an army is to be anything but a mob and a menace to the State and society, it must be organized and aided from above, under a strong government. So our educational army has grown larger and better and more effective as our central and state governments have become stronger and more trusted, and have been put in charge of the business of education.

Early in the nineteenth century, when people were looking for some relief from the stagnation and practical failure of our schools, academies began to spring up. These were in many forms, but were generally incorporated secondary schools, managed by a self-perpetuating board of trustees, and with or without capital stock,

They were for boys or girls or coeducational, and frequently had accommodations for boarding pupils. Any one could attend upon paying a small tuition fee. Eventually the academies were mostly rooted out or absorbed in the Union schools or public high schools, which took a firm hold about 1876 and definitely marked the adoption of a complete graded public school system. Between 1876 and 1904 (twenty-seven years) the United States population increased one and three-fourth times, but the public high school enrollment increased twenty-nine times, and that enrollment to the whole population increased sixteen times; while the private high school enrollment in the same years increased only fifty per cent. There have been like constant increases since 1904, but exact figures are not available.

By our public school system we have been able to meet and largely overcome our country's handicap from its enormous inflow of illiterate immigrants. In 1790 we had a white population of about 3,000,000, scattered along a narrow fringe of the seacoast from Maine to Georgia, and averaging three whites to the square mile. Within 115 years we grafted upon this small stem over 25,000,000 alien immigrants together with their descendants. In 1870 our population was 38,558,371, and in 1904, 81,752,000, an increase of 43,193,629. Between 1870 and 1904 our alien immigration was 15,107,004, or (without reference to the native born children of such immigrants) 40 per cent. of the population in 1870, and 35 per cent. of the total increase between 1870 and 1904; and yet we greatly decreased our percentage of illiterates. Although about 31 per cent. of our population increase between 1880 and 1900 was directly from alien immigration (not counting the native born children of such immigrants) our illiterates

decreased from 13.03 per cent. to 10.7 per cent., a diminution in illiterates of about 24 per cent. Even New York City showed a marked decrease in illiteracy. If we could omit the Southern States, our percentage of illiteracy would have been cut down 50 per cent.

Not only has illiteracy steadily decreased against such terrific odds, but the average of education per capita has wonderfully increased. The average aggregate amount of schooling which had been received by each adult of our population in 1800 was 82 days; in 1860, 434 days; in 1915, 1,264 days, or 6.32 school years of 200 days each.

When we speak of our past and current expenditures for education, Europeans frankly tell us that they do not believe us—that it is a mere case of Yankee brag; and we cannot blame them if we compare them with the educational statistics of any other part of the world. For over half a century our United States Bureau of Education has kept careful statistics upon all matters relating to education, and especially public school education, and has published voluminous and valuable annual reports with many tables. The statements given here are taken from these reports, or in some cases have been tabulated by the Bureau of Education on request.

	Year 1915-1916
Total enrollment in all schools and colleges.....	23,113,931
Of which over 90% were in publicly supported institutions.	
Teachers .....	731,494

23,845,425

Our total annual expenditures for education in the Continental United States have increased as follows:

1870-71 .....	\$ 69,107,612
1879-80 .....	78,094,687
1889-90 .....	140,506,715
1899-1900 .....	214,964,618
1909-10 .....	426,250,434
1915-16 .....	640,717,053

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Or an average increase of about \$35,000,000 per year, or \$100,000 per day for the last six years.

Of the 1915-16 expenditures, about \$634,000,000 came from state or local taxes or appropriations, or from permanent school funds and rent of school lands; and most of the remainder, or about one per cent., from tuition fees. Of the school monies, 77 per cent. came from local taxes; 15 per cent. from state taxes; 2.79 per cent. from permanent funds and rents, and 5.18 per cent. from other sources. The permanent school funds and school lands were valued at over \$800,000,000 in 1916, and in addition the value of all public property used for school purposes was \$1,662,446,536. From 1871 to 1915, inclusive, the gifts and bequests to education aggregated \$610,441,328.

For the year ending June 30, 1906,

The total ordinary disbursements by the U. S. Government were.....		\$549,405,425
Estimated expenditures by States.....		130,000,000*
Estimated expenditures by minor civil divisions		610,000,000*
Total public expenditures.....		<hr/> \$1,289,405,425 <hr/>
Public expenditures for common schools.....		\$307,765,656
Expenditures for private, elementary and secondary schools (partly estimated).....		21,370,309
Expenditures for universities and colleges.....		44,783,326
Expenditures for normal schools.....		6,748,924
Expenditures for professional schools (partly estimated) .....		3,000,000
Expenditures for schools for the defective classes .....		7,639,503
Expenditures for reform schools .....		5,381,189
Expenditures for commercial schools (estimated) .....		3,000,000
		<hr/> \$399,688,910 <hr/>

or over 22,000 times as much as Yale's total income seventy-five years before.

\* Including school taxes.



For the year ending June 30, 1916, the total ordinary expenditures of the United States Government were \$724,492,998. That is, the expenditures for education (\$640,000,000) raised almost entirely from local and state taxes, equalled about ninety per cent. of the total ordinary disbursements of our Federal Government for the same period. It has been officially estimated that our expenditures for education before the war equalled about one-half the total cost of maintaining the federal, state and local governments, exclusive of interest upon the funded debts. Items like the Post Office, Patent Office, Panama Canal, etc., which have large incomes of their own and frequently show a surplus over expenditures, are not included in making up the ordinary expenses of the Government.

Not only has illiteracy decreased and the average days of schooling per capita increased over fifteen times (as just shown), but the quality of this schooling has materially improved in as great a ratio. No trade, business, art, science or profession has ever had a harder task or performed it more successfully than have our teachers during the past century, and none has been more poorly paid. Comparing the year 1869-70 with 1915-16, we find that while the total population increased 2.63 times, the average days of school attendance increased 1.88 times; the value of school property, 12.75 times; of school expenditures, about 11 times; the expenditures per capita of population, 6.30 times; and the total expenditures per pupil, 2.70 times.

Thus, out of taxes and other public funds, we have met and educationally conquered our increase in alien population and in illiteracy, and have put a larger proportion than ever before of our school population into the schools, and for a longer time each year, and for more years of

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the life of each individual, and with better and wider instruction. Not only have we increased our school property and our teaching force faster than the growth of our population, but each year we have spent upon education more per student and more per capita of the population.

We did not get from England this notion of heavy taxation to support public schools. It is only within the last century that we ourselves have universally adopted the theory and practice that each State must support a free public school, normal school, agricultural college and university system, without tuition, and oftentimes including free books, free transportation to distant schools, and lunches prepared at a nominal cost by domestic science pupils. Our system of huge taxation, bonded debts and sacred public funds, to be spent through public officials upon a free system of graded schools, colleges and graduate or technical work, is one of the unique developments of our government for the people, which in its extent and completeness places us beyond the achievements of any part of the world. New Jersey, in 1871, was the last State to make all her public schools absolutely free.

The turning point in our educational policy came with the secession in 1861 of the South, which had always been a drag upon our educational development, because in the Southern States there were no schools to teach the negroes to read and write. This curse still hangs over the South. While in New York only 5 per cent. of the negroes over ten years of age are illiterate, the proportions in typical Southern States are as follows: Virginia, 30 per cent.; North Carolina, 31.9; South Carolina, 38.7; Georgia, 36.5; Alabama, 40.1; Mississippi, 35.6; Louisiana, 48.4. In 1860 it was estimated that one-fourth of our white population was illiterate, and that about two-

thirds of this number were American-born citizens. Horace Mann stated that the number of illiterates was growing alarmingly.

In 1841 Congress granted 500,000 acres of land to each of the new States, to be inviolably appropriated to the support of the common schools. Most of the States have carefully conserved this fund, but in 1866 Kansas appropriated her 500,000 acres to aid four railroad companies. It would take volumes to detail the public aid given to education by our federal, state and local governments; but the extent of this aid can be practically judged from the figures already given, showing that our governments and our public officials under them hold permanent school funds, school lands, and public property used for school purposes exceeding \$2,500,000,000 in value. Probably, following our custom in assessing and appraising public properties, and allowing for the present enhanced value of lands and buildings this is an underestimate of at least 70 per cent.; but at any rate it represents a hitherto unheard-of accumulation of public capital for the educational business end of our Government, regardless of our \$600,000,000 of taxation in 1816. It is perfectly apparent why this branch of the people's business could not be managed and developed under the local school district. Such figures completely dwarf even the great private charitable foundations and funds like the General Education Board, with about \$46,000,000; the Carnegie Foundation, with \$15,000,000, and the Peabody Fund of \$3,000,000. Furthermore, this is another convincing proof that our governments are strong and trusted—and trustworthy.

From the time that the North obtained control of the government in 1861, it began to study and appreciate its educational task if it was to secure the present and future blessings of liberty. By 1867 about 350,000 immigrants,

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largely illiterate, were being absorbed every year, and 4,000,000 slaves, almost absolutely illiterate, had been admitted to citizenship. After describing these conditions, James A. Garfield, as chairman of a select committee of the House of Representatives, said in support of a bill to establish a national bureau of education :

“Such is the immense force which we must confront by the genius of our institutions and the light of our civilization. How shall it be done? An American citizen can give but one answer. We must pour upon them the light of our public schools. We must make them intelligent, industrious, patriotic citizens, or they will drag us and our children down to their level.”

President Roosevelt phrased the same thought thus :

“If we do not take care of the immigrants, if we do not try to uplift them, then as sure as fate our own children will pay the penalty.”

These prophecies are being borne out by our present social and industrial unrest coming through foreign-born immigrants.

We went at the problem of state and local taxation for educational purposes from the right standpoint. We spent little time in discussing its place or rights under the constitutional or conductive functions of our government ; but its purposive features—the purposes for which we needed public education—were always before us. People, even of the most diverse political sentiments, agreed that public education was a necessity under our democratic form of government, and thus it became chiefly a question as to how it could best be obtained.

It is not accidental that, for many years, the people through their state and local governments have raised

more by *direct* taxation for educational purposes than the United States Government has by *direct* taxation for all of its purposes. The country was distinctly conscious of what government for the people meant in regard to education "to ourselves and our posterity," and it willingly set the conductive functions of its governments at work to carry out its purposive duties. The richer and stronger States of the North raised and spent enormous sums, and constantly improved the quality of what was taught in their kindergartens, secondary schools, high schools and colleges and universities. Private interests at the North gave generously to the cause of education in the South, whose poverty made it very difficult to lift its dead load of illiteracy. The South is now improving, especially in its high school curriculum, and also in its college and graduate courses. The work in the mechanical arts of the negro schools at Hampton and Tuskegee has taught the North much. The United States Bureau of Education, under its present Commissioner, is making strenuous efforts to improve conditions in the secondary schools of the South, considering this the weakest point in our educational system. The Bureau is trying also to revamp the curriculum of the rural secondary schools, which for years have educated their pupils for city instead of farm life, and away from the farms instead of back to them.

As a nation we have become obsessed with a desire to improve and spread educational facilities, public and private. Poor boys spend their lives amassing fortunes, that they may endow their alma mater. Graduating classes pledge class funds which are yet to be earned in life's struggle. It is a bad year with some of our universities when they do not get a couple of millions in gifts or bequests; and we were utterly puzzled a few years ago

when all England seemed to be sweating blood in trying to raise two millions to add to the endowment of one of her two great universities, with its thousands of rich alumni. One of our college presidents could have raised that sum in a fortnight. The only difference was that we'd gotten the habit and England hadn't.

In some respects the most interesting part of our educational history has been that directly or indirectly played by the Federal Government in absolute opposition to the earlier English theory as to the duties of its central government in regard to public education. This relates to the results of this aid rather than to its amount, for already state and local taxes furnish over 92 per cent. of all our school revenues.

On March 2, 1867, the United States Bureau of Education was authorized, which has since been the leader in and the clearing house of educational matters throughout the country. But, far more important, the Morrill Land Grant Act was passed on July 2, 1862, giving to each of the States public lands or public land scrip, at the rate of 30,000 acres for each senator or representative of the State. Monies derived from the sale of such lands or scrip were to be safely invested at not less than five per cent. and were to constitute a perpetual fund, the interest of which should be inviolably appropriated by each State for

"the endowment, support and maintenance of at least one college where the leading object shall be—without excluding other scientific and classical studies and including military tactics—to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."



As new States were formed from territories, the provisions of the Morrill Law and its amendments have been extended to these new States, and there are now fifty-three institutions receiving a total yearly income of \$2,400,000 under this law. In some cases the States did not at first fully comply with its provisions, but now substantially all have done so.

The entire course of our higher education has been changed by our agricultural college policy. At first each agricultural college received, under the Morrill Act, \$15,000 annually, but this has been since raised to \$50,000. By the Hatch-Adams Acts agricultural experiment stations, connected with the agricultural colleges, have been established in each State, which receive annually \$30,000. The appropriation of the United States to each State, under the Smith-Lever Act, of April 8, 1914, is contingent on the receipt of a like amount from the State itself. This appropriation is progressive, amounting during the current year to \$3,580,000, and by 1923 to \$4,580,000, by the United States, and equal amounts by the States as a whole, to be distributed according to the total *rural* population of each State.

The benefits of these acts are received by each State, and fifty-three institutions are aided thereby, one in each of forty-three States, and two each in Massachusetts, Mississippi, South Carolina, Virginia and Kentucky. Massachusetts divides its fund between its Agricultural College and its Institute of Technology, while the other four States divide their funds between institutions for white and colored students. From the beginning there has been an Association of the College Presidents of the American Agricultural Colleges, which has had wonderful success in controlling and improving the policies of their colleges. In 1915-16 there were 130,499 students

enrolled in these agricultural and mechanical arts colleges, with 10,496 professors, instructors, extension workers and experiment station staff; so that more than half of the enrollment in our colleges and universities is in these agricultural and mechanical arts institutions.

The old college course has become largely a vermiform appendix in our educational body. Its ordinary curriculum of a century ago has been taken over by our high schools or even our grammar schools, and its former professional work has been taken up by our professional schools. Its old spirit of individual training, based upon cultural and professional work, is probably more nearly reproduced in our agricultural colleges than in any other part of our educational system, except at Hampton and Tuskegee. These agricultural colleges, agricultural experiment stations and extension agencies are almost entirely, if not quite, the direct product of the Federal Government and its educational policy and stimulus, under the laws above mentioned. Some of the most successful of these fifty-three institutions were rescued from bankruptcy by these appropriations. Others were put firmly upon their feet financially, and all have been helped financially, morally and educationally. No one can begin to appreciate what these colleges have done, are doing and are to do for our country and for the safety, happiness and prosperity of its people and their posterity. Nor will the world ever appreciate what an incentive these institutions have been to like education in every civilized country. Undoubtedly the enormous land grants and other financial assistance of the Federal Government have greatly aided education, especially in the newer States and territories, but the stimulus and broadening of our educational policy by the Morrill and subsequent laws is beyond human computation.

One serious danger of our government for the people in educational matters is the treatment which has been accorded our teachers. Not being a branch of organized labor, their just demands for increased pay have been largely ignored. A few years ago the teachers of one of our principal Middle West cities were unable to get the ear of the city authorities, while the Scrubwomen's Union in the schools obtained all their demands. Thereupon the teachers organized a union and at once received immediate and sympathetic attention from the local authorities. Let those who frown upon unionizing labor take notice, for there is something wrong about a social and economic system in which only those who have organized and joined a union can be sure of prompt and sympathetic attention from the conductive part of the government.

### XIII

## WHAT THE AGRICULTURAL DEPARTMENT IS DOING TO PROMOTE THE SAFETY AND HAPPINESS OF THE PEOPLE

**P**OSSIBLY no other great activity of our purposive government is as striking and unique as the work of our Department of Agriculture. This department was our own stupendous application of our principle of putting Uncle Sam into business for the people. The need of the people of the country was great. Their most important industry was being carried on in a wasteful and unscientific way, but in such small units that individuals could not help themselves. The purpose of this branch of the government was to ensure the general welfare and the blessings of liberty and the safety and happiness of all the people and of their posterity.

In a small way some of the colonial governments had tried to encourage the breeding of silkworms and sheep, and the growing of hops and indigo, but these had been lost sight of at or before the Revolution. Long before the Department of Agriculture was formed, United States consuls and naval officers abroad were sending home seeds and cuttings, and were aiding in finding and sending to us new breeds of domestic animals. These matters drifted into the hands of the Commissioner of Patents, then an official of the Department of State. In 1817 Congress gave certain lands in the then Mississippi Territory to French immigrants to aid "in growing the vine and olive," and in 1838, in Florida, for growing cer-

tain useful tropical plants. After much discussion in and out of Congress, an appropriation of \$1,000, (to be taken from the surplus funds of the Patent Office!) was made in 1839 for "the collection of agricultural statistics and for other agricultural purposes." Thereafter, as the department says in one of its bulletins, "on its legal side, the department, like Topsy, has 'just growed.'" It furnishes a fine example of how we have often put the government to work in many sociological and economic fields; for many branches of the department's activities have never been specifically authorized by statute, but have been merely mentioned in clauses in appropriation acts. Work in these branches would immediately cease if Congress should omit the appropriation in any one year.

The work of the Department of Agriculture is so vast, so intricate and so far reaching that we have space only to quote from or paraphrase some of its own statements as to its operations. These merely suggest how this department directly or indirectly enters into the life of every man, woman and child in the land, through food, drink, raiment, medicines, sports, safety and livelihood.

There was a *preliminary period* when small appropriations were made to investigate and report upon cotton, flax and hemp, collect statistics, and purchase and distribute seeds. In 1862—the same year that the Homestead Law was passed—the Department of Agriculture, with a Commissioner of Agriculture, under the Department of the Interior, was authorized and organized. The next twenty-seven years were its *formative period*, in which new activities were placed upon the department; but always there is constant recognition, as in few other phases of our government, that work for all the people was the object or purpose of the department, which was

seeking honestly and in an open-minded way to give effect to that purpose. There can be no question that every act of the department belongs to the purposive side of the government, and is for the people.

Under the Act of 1862, the department's duties were "to acquire and to diffuse among the people of the United States useful information connected with the subject of agriculture, in the most general and comprehensive sense of the word, and to procure, propagate and distribute among the people new and valuable seeds and plants."

In the first seventy-eight years of our government, Congress appropriated less than \$430,000 for agriculture. Its total appropriations through 1917 have been \$394,703,246.86.

This money was not spent to conduct the government, to govern the people; but to aid them, to carry out the objects of the government.

The Department of Agriculture seeks to do its work for and among the people by carrying on its activities through the following subdivisions:

The *Office of Farm Management* investigates and encourages the adoption of improved methods of farm management and farm practice and studies the clearing of "logged-off" lands, with a view to their utilization for agricultural and dairying purposes.

*Weather Bureau.* Prior to 1862 the study of our climate and storms was encouraged by several departments and by the Smithsonian Institution, and information thereon was included, as agricultural statistics, in reports of the Commissioner of Patents. Meteorological data gathered by the Smithsonian observers were published in the monthly reports of the Department of Agriculture from 1863 to 1872, when Congress made an



appropriation to enable the Signal Office of the War Department to take observations and report on storms for the benefit of agriculture and commerce. This work was transferred in 1890 to the Weather Bureau in the Department of Agriculture. This bureau forecasts the weather, issues storm warnings, displays weather and flood signals for the benefit of agriculture, commerce and navigation, gauges and reports on rivers, maintains and operates sea-coast telegraph lines, collects and transmits marine intelligence for the benefit of commerce and navigation, reports temperature and rainfall conditions for the cotton interests, displays frost and cold-wave signals, distributes meteorological information in the interest of agriculture and commerce, takes meteorological observations to establish and record the climatic conditions of the United States, and, in general, makes investigations in meteorology, climatology, seismology, evaporation and aerology.

The *Bureau of Animal Industry* is primarily concerned with the promotion of the country's live-stock and meat industries. It conducts scientific investigations of the causes, prevention and treatment of diseases of domestic animals; investigates the actual existence of communicable diseases of such animals, and aids in their control and eradication; and carries on investigations and experiments in the dairy industry, animal husbandry, and the feeding and breeding of animals, including poultry and ostriches.

The *Bureau of Plant Industry* conducts investigations of the causes, prevention and treatment of diseases of plants, including fruit, ornamental, shade and forest trees; crop physiology and breeding; soil bacteriology; plant nutrition; soil fertility; acclimatization and adaptation of crop plants introduced from tropical regions; drugs and poisonous plants; plant physiology and fer-

mentation; crop technology; fiber plants; biophysics; seed testing; plants suitable for paper making; the improvement and production of cereals; alkali and drought-resistant crops; economic and systematic botany; the improvement and utilization of wild plants and grazing lands; dry-land agriculture; western irrigation; the utilization of land reclaimed under the reclamation act and other areas in the arid and semi-arid regions; pomology; horticulture; the introduction of foreign seeds and plants; forage crops; cotton; tobacco; flax; broom corn; sugar beets; and sugar-cane syrup. This bureau also has charge of the department's experimental gardens and grounds, the experimental farm at Arlington, Va., and the annual governmental distribution of seeds.

The *Forest Service* investigates methods for wood distillation; preservative treatment of timber and timber testing; testing of woods to ascertain if they be suitable for paper making; of foreign woods of commercial importance to our industries; investigates and experiments as to economy in the use of forest products; range conditions within the national forests and elsewhere on the public range; methods for improving the range by re-seeding, regulation of grazing, and other means; seeding and tree planting within the national forests; silvicultural, dendrological and other experiments and investigations as to best methods for conservative management of forests and forest lands; estimating and appraising of timber and other resources on the national forests; and miscellaneous forest investigations.

The first forest reservation was created in California in 1890. Previously Congress had passed various acts for the protection, use and disposal of the timber and timbered lands of the United States. In 1817 public lands containing live oak and red cedar timber for the use of

the Navy were reserved, and trespass on the reservations prohibited; but it was in 1891 that Congress enacted a broad, general statute on the subject, by authorizing the President to set apart and reserve by public proclamation, in any State or territory any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations. Most of the national forest reservations have been created under this act. No forest reservation can be established in Washington, Oregon, California, Idaho, Montana, Wyoming or Colorado without a special act. There were (July 1, 1915) 155 national forests, including those in Alaska and Porto Rico, with a net area of 163,274,063 acres, or five and a half times the size of New York State. Also there were in the Eastern States seventeen areas, embracing 1,396,549 acres, already acquired, or under contract, or approved for purchase, and 32,843 acres, known as the Olmstead lands, transferred to the Secretary of Agriculture for administration. Broadly, national forests are created to improve and protect forests within the reservations, or secure favorable conditions of waterflow and furnish a continuous supply of timber for the use and interests of citizens of the United States. The department is to protect the public forests and forest reservations against destruction by fire and depredations, and make such rules and regulations and establish such service as will regulate the occupancy and use of the reservations and preserve the forests thereon from destruction, and to sell the dead, matured or large growth of trees to preserve the living and growing timber and promote the younger growth; to permit, under proper regulations, the use of timber and stone on such reservations by *bona fide* settlers, miners, residents, and prospectors for mineral and for certain domestic

purposes; such timber to be used within the State or territory where the reservation is located. The administration, protection, reseeding, replanting and improvement of the national forests comprise the principal part of the work of the Forest Service. It constructs and maintains roads, trails, bridges, fire lanes, telephone lines, cabins, fences and other improvements on national forests.

The Forest Service administers large areas of grazing lands by a system of permits or licenses to stock owners. Permits are also granted to use and occupy national forest lands for practically all purposes not inconsistent with the objects of the reservations, including, among others, schools, churches, factories, power plants, transmission lines, reservoirs, conduits, stores, residences and roadways. An efficient and extensive system of fire protection has been developed and the sale and free use of national forest timber have grown into a large and important business. So far as consistent with a proper policy of conservation, all mineral lands within the forest reservations are subject to location and entry; lands, chiefly valuable for agriculture, may be opened to entry under the homestead laws; rights of way may be acquired for railroads, irrigation purposes, municipal and mining purposes, milling and reduction of ores, for poles and lines for telegraphs and telephones and for the generation and distribution of electrical power; permits may be granted, for periods not exceeding thirty years, for the use and occupancy of national forest lands for summer homes, hotels, stores or other structures needed for recreation or public convenience. In 1911 Congress authorized the purchase of lands situated on the watersheds of navigable streams, in States consenting to such acquisition, to preserve the navigability of such streams; these lands to be

permanently reserved, held and administered as national forest lands. Large areas have been or are to be acquired principally in the Southern Appalachian and White Mountains.

The *Bureau of Chemistry* is engaged in chemical investigations for other departments of the Government, including agricultural chemistry and the chemical and physical tests applied to American food products in foreign countries, and in the inspection, upon request, of such products before export; in investigations relating to poultry, eggs, fish, oysters and shell-fish; in biological investigations of food and drug products, and substances used in the manufacture thereof; and in the study and improvement of methods of utilizing by-products of citrus fruits.

The *Bureau of Soils* conducts chemical and physical investigations of soils, of possible sources of natural fertilizers within the United States, and soil-survey investigations, and assists in examining and classifying agricultural lands in the national forests.

The *Bureau of Entomology* conducts investigations relating to economic entomology, the history and habits of insects injurious or beneficial to agriculture, horticulture and arboriculture, insects affecting the health of man and domestic animals, and the best means of destroying those found to be injurious, and is also engaged in checking the spread of the gypsy or brown-tail moths.

The *Bureau of Biological Survey* is in charge of the maintenance of various game, mammal and bird reservations, including the Montana National Bison Range, the winter elk refuge in Wyoming, the Sully's Hill National Game Preserve in North Dakota, the Wind Cave Preserve in South Dakota, and the Aleutian Islands Reservation in Alaska. It conducts investigations of the food

habits of North American birds and mammals in relation to agriculture, horticulture and forestry, of biological subjects, including the relations, habits, geographic distribution and migrations of animals and plants, and of diseases of wild ducks in the Salt Lake Valley region in Utah; carries on experiments and demonstrations in destroying animals injurious to agriculture and animal husbandry; investigates and experiments in regard to the rearing of fur-bearing animals; and coöperates with the local authorities in the protection of migratory birds.

The *Bureau of Crop Estimates*, formerly the Bureau of Statistics, secures and compiles data relating to agriculture, and makes and publishes crop and live-stock estimates.

The *States Relations Service*. In 1862, under the Morrill Law, Congress granted to the States for every senator and representative 30,000 acres of the public lands, to be sold, and the proceeds to be applied to the endowment, support and maintenance of at least one college in each State, chiefly in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life. Additional appropriations were made in 1890 and 1907 to more completely endow and maintain these colleges. In 1887, by the Hatch Act, Congress established agricultural experiment stations in colleges created under the act of 1862, to aid in acquiring and diffusing among the people of the United States useful and practical information on agricultural subjects, and to promote scientific investigation and experiment respecting in agricultural science. Additional appropriations were made in 1906. The act of May 8, 1914, commonly known as the Smith-Lever Act, provided for agricultural extension work to be carried on by the various land-grant colleges in coöperation with the



Department of Agriculture, in giving instruction and practical demonstrations in agriculture and home economics to persons in rural communities through field demonstrations, publications and otherwise. The last named act required like appropriations by the States. The States Relations Service has charge of administering the Morrill, Hatch and Smith-Lever acts; establishes and maintains agricultural experiment stations in Alaska, Hawaii, Porto Rico and Guam, conducts farmers' coöperative demonstrations, studies and demonstrates the extermination of the cotton-boll weevil, investigates and reports upon the organization and progress of farmers' institutes and agricultural schools in this country and abroad, and upon improved methods of agricultural practice, and the relative utility and economy of agricultural products for food, clothing and other uses in the home.

*Office of Public Roads and Rural Engineering.* Here is another illustration of an office that has no independent statutory basis, but exists solely by virtue of annual appropriation acts. It investigates, and gives expert advice, and experiments in regard to systems of road management, methods of road construction and maintenance, and road materials. Also upon the various phases of farm irrigation, farm drainage, the drainage of swamp and other wet lands that may be made available for agricultural purposes, farm domestic water supply and drainage disposal, the construction of farm buildings and other rural engineering problems involving mechanical principles.

The *Office of Markets and Rural Organization* deals with the problems of agricultural distribution and marketing, and the promotion of coöperative efforts among farmers; the marketing and distributing of farm and manufactured food products, purchasing of farm sup-

plies, and coöperation among farmers in matters of rural credits and other forms of coöperation in rural communities.

The *Division of Publications* handles the publication work of the department and the *Division of Accounts and Disbursements* its fiscal affairs.

The *Library* contains about 140,000 volumes and receives about 2,300 periodicals relating to agriculture, and stands in the foremost rank of such libraries in the world.

There are many regulatory or punitive statutes, in connection with which the department, through its solicitor, coöperates largely with the Department of Justice and the Department of the Interior. Among others:

The *meat inspection act* provides for the inspection of establishments in which cattle, sheep, swine or goats are slaughtered, or the carcasses or meat food products of which are prepared for interstate or foreign commerce, and prohibits the shipment or transportation of such articles in interstate or foreign commerce unless they bear the mark of federal inspection and approval; with similar control of meats imported into this country. The department also inspects dairy products intended for export, process or renovated butter, and renovated butter factories.

The *cattle quarantine act* authorizes the Secretary of Agriculture to quarantine any part of the United States because of the existence therein of contagious, infectious or communicable diseases of animals, and prohibits the movement, except under certain conditions, of any cattle or other live stock from the quarantined areas.

The *diseased animal transportation acts* prohibit the transportation, delivery for transportation or driving on foot, in interstate commerce, of live stock affected with any contagious, infectious or communicable disease, pro-

vides quarantine against such diseases, and authorizes regulations and measures to prevent the introduction and dissemination of the contagion of such diseases. Another act regulates the importation of meat, cattle, sheep and other ruminants and swine, and the inspection of those imported or exported; prohibits the importation of those that are diseased or infected, or which have been exposed to such infection within sixty days next before their exportation; and forbids the placing of such animals upon any vessel for exportation.

The *28-hour act* prohibits the confinement in railroad cars or boats of animals in interstate transit for more than twenty-eight hours without being unloaded for feed, water and rest, for five hours, except upon complying with certain provisions.

The *virus act* regulates the interstate shipment, importation, and preparation and sale in plants under the jurisdiction of the United States, of viruses, serums, toxins and analogous products intended for use in the treatment of domestic animals.

The *food and drugs act* is primarily intended to enforce honest labeling of foods and drugs; and, secondarily, to conserve health in so far as it is affected by these articles. It prohibits the manufacture and shipment in interstate or foreign commerce of foods and drugs which are adulterated or misbranded, and aims to prevent the importation of adulterated foods and drugs.

The provisions of the *insecticide act*, patterned after the *food and drugs act*, apply to insecticides, paris greens, lead arsenates and fungicides.

The *plant quarantine act* aims to prevent the introduction and spread of plant diseases; provides for quarantine on account of the existence of plant diseases, regulates interstate movement from quarantined areas, and

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the importation of nursery stock and other plants and plant products.

The *seed importation act* forbids the importation of specified classes of seeds which are adulterated or unfit for seeding purposes, except that such seeds may be admitted under bond, under certain conditions.

The *Lacey Act* aims to assist the States in the conservation of the game supply of the United States and check the importation of birds and animals that may be injurious to agriculture or horticulture. It regulates the importation of birds and animals, and prohibits the transportation in interstate commerce of any foreign animals or birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild animals or birds which are killed or shipped in violation of the laws of the State, territory or district in which they were killed or from which they were shipped. It also requires the conspicuous labeling of packages of game shipped in interstate and foreign commerce.

The *migratory bird act* also aims to conserve the game supply by protecting insectivorous and other birds while on their annual northern and southern migrations. The Department of Agriculture may divide the country into districts and prescribe for migratory birds within said districts closed seasons, during which it is criminal to kill, seize or capture any of such birds.

The *cotton futures act* operates to regulate the business of cotton exchanges in the United States, and eliminate future dealings in cotton.

The foregoing seems like a statement of scientific investigations and of the administering of ordinary laws which cannot intimately touch the lives of our people; but nothing could be farther from the fact. Every one of these statutes is highly purposive in its nature and

designed to promote our safety and pursuit of happiness.

As a country grows larger, evils necessarily appear which can be met only by a power and agency which is coextensive with the country. It is not surprising that we have enormous evils among us, but rather that they are not greater and more unrestrained. Everything of this kind is relative, to be judged by its surroundings and opportunities, and by the other forces and agencies which it can use or which can use it. The growth of public opinion and the molding of it into regulative and criminal laws is a very slow process.

It is true that a large part of the work of the Department of Agriculture is regulative, inspective and detective, seeking to insure us pure food, and safe methods in the growing, transportation, preparation and distribution of the foods which we daily consume, and to prevent the introduction and spread of noxious plants, seeds, animals and diseases. But there is a constructive, purposive side of the department's work which throughout the world is considered as the most wonderful example ever known of government for the people. All other governments recognize the value of the services of our Department of Agriculture.

Its constructive work consists, in part, of entering in person and through scientific and enlightening demonstrations and literature into the farms, homes, and often into the offices and places of business of the whole country. It teaches the farmer how to get more out of his land, raise better stock, sell at better prices, have better roads, farms, home and farm buildings, eat more nourishing food, cooked in a better way, keep off disease from himself and his family, as well as from his stock and plants, lessen the cares and labor of himself and his wife, fill the

lives of his children with joy, happiness and incentive, and in every way bring to pass the ideals of those who drew the Declaration of Independence and the constitutions on which our governments were founded. This is not done impersonally at some building in Washington, D. C. The Morrill Law built up the agricultural colleges of this country, which are to-day giving longer or shorter courses in agricultural subjects to hundreds of thousands of young and old. The Hatch Act started the agricultural experiment stations, to which any farmer may appeal for help. The Smith-Lever Act places men and women agents in every agricultural county, going almost from door to door, seeking how they may help the farmer and his wife, and how they may make the locality more healthful and the home more sunny and bright.

It is certainly pure government for the people, when such a county agent can enable a thirteen-year-old boy to raise a three hundred and eighty pound hog in nine months, when his father's hog of the same litter weighs only sixty-nine pounds; or when a fourteen-year-old boy, with the same tutelage, raises two hundred and twenty-eight bushels of corn to the acre, when his father's fields average less than thirty bushels per acre.

Canning clubs will save the farmers scores of millions of dollars and give them better food; but Mother-Daughter canning clubs, instituted and fostered by a government which we have not considered socialistic, have introduced a moral and home-making element which could never come merely from the constitutional or conductive functions of our government. In one such club, organized in 1916, there were twenty-six Mother-Daughter teams, or fifty-eight members, with the youngest daughter nine years old and the oldest seventeen. Meetings of the club were held fortnightly in a local church. The next year it had four hundred members and the



number of such clubs grew in a single year from eleven to two hundred. The girls' canning clubs and the boys' corn clubs will be found to be largely the antidote for juvenile delinquency statutes and for the annual drift of boys and girls from good country farms to city third-story hall bedrooms. This is an illustration of democratic love for your neighbor—the antithesis of Marxian class hatred and violence.

Up to June 30, 1918, we had appropriated for the Department of Agriculture \$394,703,246.86, in order to carry out this branch of the objects or purposes of our government. These appropriations, which are upon a rapidly increasing annual scale, show that our central government is now strong, else it could not raise such huge funds; that it is absolutely trusted, else such huge appropriations would not be put into its hands for expenditure; and that, consciously or unconsciously, we are developing the idealistic and general welfare objects or purposes of our government along lines and to an extent never dreamed of before. We are actually demonstrating what government for the people can do under a strong, trusted and stable government by the people. Yet not one person in a thousand among us has any real and conscious appreciation of what this huge agency—partly “running wild” and without any direct legislative authorization—is doing for us in the most intimate and personal relations of our daily lives.

Imagine, if you can, such a branch of government as the Department of Agriculture being conceived and developed by Marxian materialism or a proletariatsocracy of any nationality! Consider the proposal that Marxian Socialism shall tell American Democracy how it shall conduct, under soviet government, its Department of Agriculture or its educational system, or any other part of our purposive government!!

## XIV

# THE PATENT OFFICE AND THE PUBLIC PRINTING OFFICE AS NOVEL PURPOSIVE AGENCIES

### THE PATENT OFFICE

**T**HE word patent is not of recent origin. In English law and practice letters patent were used to describe a grant made by the King of lands, privileges or monopolies, or for the exclusive right to use a process or invention. The royal grants of patents for exclusive business rights led to the formation of many oppressive monopolies, and these were so abused that the issue of any exclusive privilege, except for inventions, was forbidden by law. Therefore patents for invention were not novel when our government was started. Our development of the Patent Office as a separate bureau, our careful examination of previous inventions before issuing a patent, and the standpoint from which we regard the rights of the patentee are entirely novel. The words patent and letters patent were also used in this country to describe direct grants or deeds of land from the governments of the colonies or some of the States.

The Federal Constitution empowered Congress

. . . “to promote the progress of science and useful arts by securing for limited times to . . . inventors the exclusive right to their . . . discoveries.”

Congress founded our patent system under an act of

1790 whereby the Secretary of State, the Secretary of War and the Attorney General were made a board to consider all applications, though the office was attached to the Department of State. Thus Thomas Jefferson, who was Washington's first Secretary of State, became also in fact the first commissioner of patents and the first patent examiner. He personally passed upon the patentability of every application filed during his first years as Secretary of State. Only three patents were granted in 1790, and these were signed by the President, the Secretary of State and the Attorney General.

From 1790 to 1802 one clerk in the State Department did all the clerical work relating to patents, and the entire records were contained in a dozen pigeonholes. In the first forty-five years, or up to 1836, about 10,000 patents were issued.

The English theory of the purpose for which patents for inventions were granted differed materially from ours. The English theory was that patents were granted for the benefit of the State. Congress provided that patents should be granted to inventors to secure to them the exclusive right to their discoveries, so as to make the people anxious to develop inventions. Therefore, we may properly say that this purposive department of our government has been established and conducted for the people and not for the State or government itself. The world may thank the United States Patent Office and the fostering care and protection which it has given to native and foreign inventors, for many of the great inventions of the past century, and its work and growth must be studied from this standpoint. All the world has followed, to some extent, our patent office methods.

Furthermore, the Patent Office has always been one of the self-sustaining parts of the government. A fee is

required, upon the filing of the application for a patent, to cover the expense to the Government in examining the supposed invention, and a further fee upon the granting of the patent. Thus the people interested in patents have been those who have directly sustained the department, and so have accumulated a surplus in the United States Treasury of over \$8,000,000, for the privilege of having this mutual benefit association to pass upon alleged inventions and put the Government's certificate upon those which pass muster. Our Patent Office has rightfully been called

“a system, the sole purpose of which is to add to the sum of human comforts, not by taking away anything from anybody, but by encouraging inventive genius to produce new and better things.”

The Patent Office continued under the State Department until 1836, doing a lot of odd jobs besides; the most important of which was the gathering and publishing of agricultural statistics and other work which was afterward taken over by the Agricultural Department. In 1836, the Patent Office was organized as an independent bureau, headed by a Commissioner of Patents, assisted by one examiner and six other subordinate clerks and employees.

The Patent Office, which forms the F Street wing of the present building, was commenced in 1836 and finished in 1840. At this time a new system was started, which has been ever since in force and under which no patent is granted until a careful search through all its own and foreign patent office records and through foreign and domestic technical publications has shown that the discovery is a novel one and therefore entitled to be patented. In the earlier days substantially all applications for

patents had to be accompanied by working models, which eventually became an interesting nuisance because they took up more room than all the rest of the office together. The use of models, except in rare cases, was dispensed with in 1880, and drawings substituted therefor; and in 1877 the Model Room very kindly burned itself up.

In 1844, when 13,500 patents in all had been granted, including 500 in the previous year, Commissioner Ellsworth, believing that endeavors in invention were about to cease, made this prediction in his official report:

“The advancement of the arts from year to year taxes our credulity and seems to presage the arrival of that period when human improvement must end.”

Our forefathers could not imagine or comprehend what was to be the extent of our growth under our free institutions. Up to December 31, 1917, the United States Patent Office had issued in all 1,210,889 regular patents; 50,117 design patents, and 14,238 re-issues, and had issued certificates for 114,666 trade marks, 19,836 labels, and 4,599 prints. Many patents are granted but not issued because the patentees fail to pay the final or issue fees within a certain period after the Patent Office has granted the application. During the year ending December 31, 1917, more than one-fifth of the applications approved were allowed to lapse on this account, although 41,069 ordinary patents were actually paid for and issued. Since March 3, 1861, 247,590 approved applications, or about eighteen per cent. of the whole number of patents granted, have been thus forfeited.

The Patent Office has now become a very large and intricate organization, made much more so by its honest endeavor to examine all available foreign and United States patents to see if the new application is entirely

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novel. In 1890 there were 443,000 United States patents and 635,000 of available foreign patents which might have to be searched; but this haystack had grown, at the close of 1916, to more than 1,210,000 United States patents and 1,690,000 available foreign patents, among which the examiners must look for their needles. To meet this problem, to classify this search, which necessarily grows greater every year, our patents are divided into many divisions, each with principal and assistant examiners, and into many subdivisions, so that all the patents of a particular kind come under some subdivision. Otherwise, it would be practically impossible to determine the novelty of new applications.

Up to December 31, 1917, the United States had granted 1,220,345 patents and sixty-five other foreign countries had granted 2,650,035, the largest other countries being France, 511,698; Great Britain, 513,388; Germany, 312,781.

For the year ending December 31, 1917, the Patent Office received from all sources \$2,258,377.10; expended \$2,048,173.18. Its total net surplus from earnings, in the United States Treasury, was \$8,233,883.45.

Like many other things in our history, patents have come in waves. The invention of the sewing machine stimulated inventions in that line. The same was true in regard to mowing machines, thrashing machines, reapers and many other forms of agricultural machinery. Thereafter came improvements in telegraph, telephone and railway equipment and appliances, and in plumbing and other water-distribution devices, and more recently in internal combustion engines, automobiles, aeroplanes, moving pictures, wireless telegraphy, control of torpedoes, gun pointing, etc. A recent compilation shows that the following were the most fertile fields of inven-



tion, judging by the number of patents granted in them: carriages and wagons, 37,728; harvesters, plows, seeders and planters, 42,000; railways and rolling stock, 27,000; water-distribution and plumbing, 21,000; clasps, buckles, buttons, 18,772.

The decision of the Patent Office in regard to a patent is not final, but may be reviewed in our courts; but so accurately and fairly is the work done, that the decision of the Patent Office is usually accepted as conclusive, and comparatively few of its decisions are appealed from.

Evidently, up to 1790 it was no part of the duties of an ordinary government to conduct a patent office for the benefit of its people, and for the purpose of increasing their wealth and prosperity. This was to be a novel development of government of, by and for the people, and its results have been as wonderful as its theory was new. It has been shown that the growth of patents with us has increased many times faster than our population or our wealth, and it has been recently estimated that annually

“the value of America’s manufactures attributable directly or indirectly to patentable inventions amounts to the enormous total of more than \$20,000,000,000, which is about four times the value of all taxable property in the United States at the time Commissioner Ellsworth made his report,”

describing invention as a dead cock in the pit.

Of course, all such estimates are unsatisfactory, because no one could possibly tell the indirect benefits coming from inventions at some time covered by patents. If we think of our railroads as originally mere longitudinal wooden shapes with pieces of strap iron nailed upon them for rails; of our locomotive as chiefly a boiler on

a flat car with another flat car to carry fuel and water; of our first railway passenger cars as Concord coaches put upon railway wheels, we shall have a starting point for patents in the field of railroads. Not only has substantially every improvement since made in road-bed, rolling stock and train movement been the subject of a patent—27,000 in all—but all our rails, switches, rolling stock and other railroad equipment and machinery have been produced by machines and processes which have themselves been patented. Patented improvements in furnace construction, automatic stoker and regulator, forced draft and coal handling machinery and other economics, have made it possible, in some cases, to reduce by five-sixths within ten years the cost to the consumer of the kilowatt-hour. The by-products from crude petroleum and coal tar obtained through patented processes run up into the thousands in number.

Undoubtedly there would have been some improvements if there had been no Patent Office, but the thoughtful American cannot think of his country or of any part of it, or of anything connected with his home, his livelihood, his clothing or his surroundings, which has not been produced under the fostering protection and stimulation of United States patents. Even important inventions produced abroad and brought here have been greatly developed and improved in their practical use, until some of them are more American than foreign.

But the important thing is that this purposive part of the Government has probably done more than any other one thing to put us where we are in power and wealth and in the estimation of the world. Because of the greater opportunities and protection which our free institutions and especially our Patent Office afford, we have drawn to us from all parts of the world great in-

ventive geniuses. Our early inventions of the steamboat, sewing machine, cotton gin, the telegraph, telephone and reaper and other labor saving machinery, show that at first our inventors were almost entirely of Anglo-Saxon extraction; as witness the names of Fulton, Whittemore, Bigelow, Blanchard, Morse, Bell, Hoe, Campbell, Ames, Fairbanks, Howe, Colt, McCormick, and others. In recent years the Patent Office Gazette sets forth the inventions of such men as Bettendorf, Mergenthaler, Pupin, Tesla, Christensen, Trasch, Monnot, Marconi, Krakan, Mesta, Steinmetz, Sauveur and Lindenthal.

Up to 1836, the United States law of patents was English in spirit, but thereafter there was a marked divergence between the American and English patent systems. The Patent Office staff consists of a Commissioner of Patents, one assistant commissioner, three examiners in chief, all appointed by the President with the advice and consent of the Senate; and also of about 420 other examiners, and a staff of officers, clerks and employees, appointed by the Secretary of the Interior on the nomination of the Commissioner of Patents. The latter is charged with the superintendence or performance of all duties respecting the grant and issue of patents, and has the control and custody of all books, records, papers, etc., belonging to the Patent Office. He is authorized to make regulations, not inconsistent with law, governing the Patent Office and its proceedings, and makes an annual report to Congress. He is the final judge, so far as the Patent Office is concerned, of all controverted questions arising in the Patent Office, and in granting or withholding patents is not bound by the decisions of his inferiors.

None of the other countries of the World have equalled our record in patents, although many have closely

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modelled their laws and practice after ours. Prior to the war Germany, especially, was making great strides in new inventions covered by patents under a law enacted in 1891.

### THE PUBLIC PRINTING OFFICE

At the first session of Congress it was recommended that proposals for "printing the laws and other proceedings should be invited." There were to be 700 copies of the Journal and 600 copies of the Acts of Congress. This was the proper and usual way among governments at that time, and continued to be the custom of Congress for about seventy years.

In 1794 Congress appropriated \$23,000 to pay for "fire wood, stationery and printing." From time to time there was considerable variation in the manner of asking for proposals and letting contracts for the public printing, which at that time consisted almost exclusively of the proceedings of Congress and the annual reports of various departments.

Frequently there was a feeling that the Government should do its own printing business, and many efforts were made to bring this about. In 1818 a committee, consisting of one senator (a practical printer) and one representative (a practical business man) reported that

"the committee are of opinion that such an establishment, under the superintendence of a man of activity, integrity and discretion, would be likely to produce promptitude, uniformity, accuracy and elegance in the execution of the public printing, and they are not certain that it would not in the result, connecting with a bindery and stationery, as already suggested, be found the most economical."

In 1861 the Government purchased the plant and busi-

ness of Cornelius Wendell. This plant, consisting of about twenty-three Adams presses, three rotary presses and twenty tons of type, was considered the greatest of the day, and cost the Government about \$135,000, with the building which is still known as "the Old Building." The present plant could not be duplicated for \$10,000,000. The government business soon outgrew this first building and plant, but it was very difficult to get Congress to authorize a new building and properly provide for the increasing business.

About 1864 the new Printing Office was finished, and still retaining the use of the Old Building, the Public Printer moved into the finest printing establishment in the world. It is housed in a building 175 feet x 408 feet, with seven stories, basement and loft, and a floor space of over sixteen acres.

In 1867 the Congressional Printer, as he was then called, reported that he had 975 employees on his pay roll, with a total annual pay roll of \$365,000; that the year's improvements and repairs to his building had cost \$13,000, to machinery \$30,000; new machinery, including \$10,000 of type, \$19,000; ink and supplies \$20,000; paper \$635,106.

In 1904 only France, Austria and Holland had governmental printing offices and binderies, and these were comparatively limited in their scope and operations, covering only the ordinary reports of the different departments of the Government. Russia's governmental printing was partially done in the Government's own office, but not at all in the systematic and economical way of our establishment. England and Germany did most of their work through private establishments very closely connected with the government.

The work of our Government Printing Office consists

very largely of certain regular matter which requires its first attention.

*The Congressional Record.* This is a verbatim transcript of the actual transactions of both houses, and covers from 30 to 500 pages a day. Each house of Congress has its corps of skilled stenographers, relieving each other at the end of very short periods and immediately transcribing their notes. The copy for the day's Record reaches the Printing Office at from 7 to 11 P. M., except when night sessions make these hours even later. Thirty thousand copies of the Record are set up, printed and bound, and distributed to Congress and the country early next morning. Oftentimes this work is complicated by the fact that some member wishes to incorporate in his speech matter to which he has merely referred and which the Printing Office must look up and copy. Again members ask to have the proofs submitted to them for correction, and the work is held up on this account.

*The Department of Bills.* This is the largest piece of "hurry work" in the world, and is done most quickly and economically. After a bill is submitted by a member of Congress, it is printed, and thereafter, no matter what its modifications or amendments, it remains in printed form.

*Job Printing.* The Public Printer does all the job printing of all of the executive departments and of Congress, including specifications for supplies and proposals for bids of all kinds, and also the manufacturing of books, ledgers and account books, loose-leaf books, vouchers, index cards, envelopes, letter and note heads, franks and blanks by the million.

*The printing of the office* is done in two press rooms, its book and its job printing rooms, which contain no belts or pulleys; each press having its own individual



motor. Most of the presses are large, and the press department is so wonderfully run that over 1,500 octavo pages can be put upon the presses and printed copy furnished within one hour. In addition to its rotary and other presses, this department of the office has one "speech press" for printing the speeches of the senators and representatives. This press will print and staple 60,000 copies of thirty-two page pamphlets daily. It also has a card press, which is said to be the only one in the world, upon which cards for the Weather Bureau and other departments are turned out. This press has a daily capacity of 500,000 cards printed on both sides and cut.

*The Bindery.* Here work of all grades is done, from the finest full leather to the ordinary board and cloth bindings, and sheets are stitched without binding.

The Office has turned out some very large jobs, including the Rebellion Record, which covers the record on both sides of our Civil War and extends into one hundred and thirty volumes. The printing for the Department of Agriculture is very large, covering the daily, weekly and monthly bulletins of the various branches of that department. The same is true of other departments. The Office also prints many orders and postal cards, and can put through a large job quicker than any other printing office in the world. At one time it received the copy for a book of 475 pages in French to go before the Hague Tribunal. Within forty-eight hours this matter had been set, read, corrected, revised, imposed, printed and bound and sent to New York and placed upon a steamer for Europe. In 1894 the Printing Office was put under civil service, by President Cleveland.

The immensity of the work of the Public Printing Office can be judged from the fact that it prints all the reports, regular publications, general literature and sta-

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tionery of over 175 separate and largely independent departments, bureaus, commissions, public officials and other federal governmental agencies. These have offices in Washington, D. C., and throughout the United States, and are almost exclusively engaged in carrying on the purposive functions of the government.

In addition to its printing work, the Government Printing Office maintains an immense book store, filling the seven-story building at Eighth Street near North Capitol Street, known as the Annex, and overflowing into several stories of the Old Printing Office Building. This book store sells the output of only one publisher, the United States Government; but this is sufficient, as that publisher is by far the largest in the world. The manager of the book store is the Superintendent of Documents, and the sales are mostly made through a mail order business. Sixty-five different price lists of publications have been issued, and are kept up to date, each giving titles, prices and general information as to a particular class of public documents. No general price list is published, because it would fill a book about the size of Webster's Unabridged Dictionary, and no one would be interested in the whole of it. These price lists cover the publications in regard to the United States and its history, public domain, geography, dependencies, and every department of its conductive and purposive business; also railroads, finance, education, labor questions, tariff, public roads, health, disease and sanitation, commerce and manufactures, and foreign relations.

Up to 1915 the United States public documents covered about 185,000 separate publications, the most complete library of which is maintained in the office of the Superintendent of Documents. A check list of these documents, published in 1911, fills more than 1,800 pages.

The historical record of the publications of the Public Printing Office is supplied by the Document Catalogue, of which about twelve bi-annual issues have been made, aggregating more than 15,000 closely printed, double column, royal octavo pages, and listing all United States public documents, with the title, the official author, personal author, and their subjects and numbers. This is one of the most wonderful historical records, of the first order and magnitude, ever printed.

The period from 1789 to 1893 is covered by outside private catalogues. The Book Store also has for sale various compilations, reports, directories, etc., issued daily, weekly, monthly, quarterly and yearly.

Formerly the Government publications could be gotten upon application, but now the cost price must be pre-paid. The Government Book Store sells several million such documents every year, and also does all the mailing of documents for the various governmental departments, and generally acts as the clearing house for all governmental publications.

The Public Document division received 363,484 letters in 1917, and distributed 45,555,886 publications. The office maintains 1,131 different mailing lists, containing 973,277 names.

Compare this example of the constructive power of American democracy to secure the blessings of liberty to its citizens, individually and collectively, with the destructive power of the Russian Bolshevik Printing Office, whose presses are devoted chiefly to social revolutionary literature and to making the 100 rouble notes worth only as much as the rags of which they are made.

## XV

# HOW THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF LABOR HAVE FOR- WARDED GOVERNMENT FOR THE PEOPLE

### THE DEPARTMENT OF COMMERCE

**U**PON the surface, at least, the moving cause of the formation of our present Federal Government was not political, but to promote interstate commerce and trade. We have already seen how the mutual jealousies of the colonies continued between the States during the Revolutionary War, and grew even greater after the Peace of Paris in 1783, which set free the internal strife and passions which had been restrained by the war; and that, by this time, the stronger States, which were collecting their own export and import taxes and getting their credit and finances into better condition, had no desire to form a strong central government to which they would have to surrender unselfishly these advantages and sources of income which were largely at the expense of their weaker neighbors. Therefore, from 1783 to 1787 there was no important political movement or desire for the formation of a strong federal government; but this was not true of the desire to improve the internal trade between the States. Substantially all the state boundaries were imaginary lines. There was a great field for commerce between the States if their laws, practices and currency could be made to favor rather than hinder such trade.

Virginia and Maryland were the first to move to bring about closer commercial relations. Early in 1785, their commissioners met at Alexandria, Va., to attempt to

adjust and promote their interstate commerce and trade. Washington requested the commissioners to come to Mt. Vernon as his guests and to carry on their deliberations under his roof. He was about the wealthiest man of his times, and insisted, during the Revolutionary War and throughout his presidency, upon serving his country without any compensation. His knowledge of business and commerce and trade routes was unique; his belief in the future development of his country, based upon his many explorations in the North and West, was invincible and inspiring. The Mt. Vernon Convention recommended annual conferences thereafter, and the Maryland legislature resolved to invite its neighbors, Pennsylvania and Delaware, to join in these conferences. The Virginia Assembly passed a resolution, drawn by Madison, appointing commissioners to meet such other commissioners as should be delegated by the other States.

“to take into consideration the trade of the United States” and “to consider how far a uniform system in their commercial regulations may be necessary to their common interests and permanent harmony.”

As a result, commissioners from five States assembled at Annapolis the next year (1786) “to take into consideration the trade and commerce of the United States.” Alexander Hamilton was, above all others, the advocate of a strong and trusted federal government, and never failed to advocate measures which would make us a powerful nation and not a weak confederacy. No matter what else came up, Hamilton came back to federalism, and sought to make friends for it and to turn everything to its advantage. Therefore, it was not surprising that in the Annapolis convention Hamilton prepared an address, which was also signed by Madison and Randolph, recommending a future convention of all the States and the

extension of their delegates' powers to other subjects than those of commerce, because the Annapolis Convention, in deliberating on commerce, had been

"induced to think that the power to regulate Trade is of such comprehensive extent and will enter so far into the General System of the Fœderal Government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits may require a correspondent adjustment of other parts of the Fœderal System."

It was as a result of this resolution that the Constitutional Convention of 1787 was called, and thus a proposed improvement in interstate trade and commerce was the bait by which the discordant States were gathered around the council board at which was evolved the United States Constitution. Evidently, this bait belonged not on the authoritative or conductive side of the Government, but solely to its purposive functions. Hence, we can trace back our purposive government, not only to the Declaration of Independence, with its emphasis upon purposive functions, but to our interstate commerce as being the great incentive for the calling of the Constitutional Convention. It was the same thought which had made all the States go into the land and lottery and other businesses in 1784 and thereafter, to help their citizens out of pretty bad holes. No one thought of calling it Socialism, but it antedated modern European political Socialism by three-quarters of a century. Who shall say that purposive government has not been our great underlying, generative, constructive and dynamic thought from the beginning of our national history?

The United States Constitution was not adopted because we wished political liberty; we already had that. Nor because we wished a better form of government; we



were satisfied with those of the States. That Constitution came primarily because all the States wished better commercial and trade relations with the others, and thus to promote the general welfare, and the prosperity of their citizens, the people, individually and collectively.

The Constitutional Convention—possibly the most wonderful assembly of statesmen in our history—started with an apparently irreconcilable divergence of opinion in regard to every *constitutional* and *political* subject brought up. All kinds of proposals were made to bring about a working compromise which could receive the votes of nine States; but the ultimate hope of improvement in interstate trade and commerce was the common thought which made the final compromise possible.

This subject cropped up constantly during the convention. On August 20, 1787, Gouverneur Morris, seconded by Mr. Pinckney, submitted a proposal that there should be a Council of State "to assist the President in conducting the public affairs," the third member of this council to be a "Secretary of Commerce and Finance," whose duties were in part "to recommend such things as may in his judgment promote the commercial interests of the United States." There was also to be a Secretary of Domestic Affairs, to have supervision of agriculture, manufactures, roads and navigation. During the struggle for the ratification of the Constitution, Hamilton, writing in *The Federalist* on the subject of Commerce, said:

"The importance of the Union, in a commercial light, is one of those points about which there is least room to entertain a difference of opinion, and which has, in fact, commanded the most general assent of men who have any acquaintance with the subject. This applies as well to our intercourse with foreign countries as with each other."

Not only had the question of industry and commerce been the inducing cause for the assembling of the Constitutional Convention and for agreeing on a compromise Constitution, but the Constitution was ratified chiefly because the States believed that it would bring to each of them great commercial benefits. They waived their political objections to obtain its commercial advantages.

Commodore John Paul Jones, writing at this time to Lafayette concerning the proposed Constitution, said that he would have eight ministries, namely: State, Treasury, Justice, War, Navy, Post Office, Home Affairs, Commerce. It took 115 years to get these eight cabinet positions—although we made them ten by forming the Department of Agriculture in addition to the Department of the Interior, and the Departments of Commerce and Labor instead of the Ministry of Commerce.

The interstate commerce provision is one of the most important in the Constitution:

“The Congress shall have power . . . to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” . . .

The Constitution was ratified by eleven States. North Carolina agreed to come in as soon as the Constitution was amended to add a Bill of Rights, while Rhode Island refused to recognize either the Convention or the Constitution. Congress, under its authority “to regulate commerce with foreign nations and among the several States,” actually proceeded to treat the commerce and manufactures of North Carolina and Rhode Island as though these were foreign countries, and this quickened their desire to accept the Constitution.

In his first annual address Washington said:

“The advancement of agriculture, commerce and

manufactures by all proper means will not, I trust, need recommendation."

He appointed Alexander Hamilton as his first Secretary of the Treasury, and Hamilton gave an important part of his time to the study and solution of the problems of the industries and commerce of the country. His report upon protection still remains the best thesis upon that subject. He succeeded in getting special political and corporate privileges for the Society for the Establishment of Useful Manufactures, with its control of the great water power at Paterson, New Jersey, which was to be the chief centre of cheap manufacturing in this country and enable us to compete with English factories on something like equal terms. He made special reports upon commerce and industries, recommending the establishment of a board for promoting arts, agriculture, manufactures and commerce.

At first the Department of State had been known as the Department of Foreign Affairs, which of course had nothing to do with interstate trade; but within two months after its formation its name was changed to Department of State, so that it could include a proposed Home Department, whose duties were in part "to report to the President plans for the protection and improvement of manufactures, agriculture and commerce." The State Department immediately assumed control of the granting of patents and covered some of the duties later vested in the Department of Agriculture.

After 1790, the subject of government control of and aid to commerce and industries was constantly before Congress, although the Department of Commerce and Labor was not formed until 1903. From the beginning, many of these problems were put in charge of the Treasury and State departments, but throughout it all

there was agitation for a Home Department. Congress has always been very reluctant to make new cabinet positions, and has been inclined to create important bureaus, with commissioners instead of secretaries at their heads, and to attach them to some existing cabinet department. Nevertheless, the land and Indian matters became so important that, on March 3, 1849, the Department of the Interior was formed. When, in 1827, President John Quincy Adams recommended a reorganization of the cabinet departments, the matter was referred to a committee of the House of Representatives, of which Daniel Webster was chairman, which reported:

“At the organization of the government, it appears to have been the original design, in regard to the executive departments, that there should be a distinct and separate department for such internal or domestic affairs as appertain to the General Government.”

Even after the establishment of the Department of the Interior, most of the agencies relating to commerce and industry remained under the Treasury Department.

The formation of the Agricultural Department in 1862 stimulated the demand for a separate department for commerce. Petitions for the establishment of such a department were adopted at commercial conventions and by the National Board of Trade. It was shown by petitions and before committees of Congress that the United States was a distinctly commercial and industrial nation; that the aggregate value of the products of its manufacturing establishments was four times the value of all of the products of agriculture; that the arguments advanced for the creation of the Department of Agriculture were applicable to a Department of Commerce; that the manufacturing interests of the United States exceeded in volume and importance the industrial in-

terests of any nation of the world; and yet that there was no government office especially charged with any duties directly relating to them; and that agriculture, labor, transportation, mining, fisheries and forestry all had distinct governmental recognition in one form or another, but that the manufacturing interests had none.

On December 4, 1901, Senator Nelson introduced a bill "to establish the Department of Commerce." After a discussion extending almost throughout that Congress, the act establishing the Department of Commerce and Labor became a law on February 14, 1903, and President Roosevelt appointed George B. Cortelyou as the first secretary of that department and the ninth member of his cabinet. By an act approved March 4, 1913, the Department of Labor was created, as the tenth cabinet department, and the Department of Commerce and Labor became known as the Department of Commerce.

The present duties of the Department of Commerce—all purposive—are carried on by the following bureaus: Census, Foreign and Domestic Commerce, Lighthouses, Navigation, Standards, Steamboat Inspection, Coast and Geodetic Survey, Fisheries.

*The Bureau of the Census.* Prior to 1790 there had been no satisfactory enumeration of the population in the colonies and States. The first census was made in 1790, under the direction of the United States marshals in their several judicial districts, who took the census until and including that of 1870. From 1800 till the formation of the Department of the Interior in 1849, the Secretary of State had general supervision of the census, and it remained under the Department of the Interior from 1849 till 1903, when it became the Bureau of the Census in the Department of Commerce. The third census (in 1810) collected certain industrial statistics upon schedules

prepared by the Secretary of the Treasury. A limited number of industrial and occupational statistics was gathered under the fourth census, but the fifth covered population only. The sixth census (1840) marks the beginning of a systematic effort to show the growth and development of the country's industries and resources. The Superintendent of Census was first appointed by the President, by and with the advice and consent of the Senate, for the tenth census (1880), and the Director of the Census now has entire control of the work, including the appointment of the statisticians, clerks and other employees. The general reports of the twelfth census (1900) were published in ten quarto volumes before July 1, 1902. On March 6, 1902, the Census Office became a permanent bureau of the government. The thirteenth census (1910) covered the subjects of population, mines, quarries and agriculture. An intermediate census of manufactures is taken in the fifth year after the regular census. The Director of the Census also collects statistics relative to the defective, dependent and delinquent classes; crime, including judicial statistics pertaining thereto; social statistics of cities; public indebtedness, expenditures and taxes; religious bodies; transportation by water, and the express business; savings banks and other savings institutions; mortgage, loan and similar institutions; and the fishery industry in coöperation with the Bureau of Fisheries. Every five years, statistics are collected relating to street and electric railways, electric light and power stations, and the telephone and telegraph industries. Biennially the Official Register of the United States is prepared and published. Annual statistics are gathered relating to births and deaths in States and cities maintaining efficient registration systems; the finances of cities having a population of 30,000 and over; the pro-



duction and distribution of cotton; and the quantity of leaf tobacco on hand.

The Census Bureau has a permanent office force, which is temporarily largely expanded for the three years commencing on July 1st of the year preceding that in which the enumeration is made. The permanent force is about 600 persons. During the thirteenth census (1910), this force at Washington reached a maximum of nearly 4,000, with field supervisors and enumerators amounting to approximately 330 and 70,000, respectively. The information now furnished by the Census Bureau, in regard especially to commerce, manufacture, trade and agriculture, can be appreciated only by one who has studied it and used some parts of it. It would have delighted Washington, Madison, Hamilton and other stalwarts who were so much interested in the purposes of our governments.

The *Bureau of Foreign and Domestic Commerce* comprises the former Bureaus of Manufactures and of Statistics. The gathering and collating of information regarding our commerce was first undertaken by the Secretary of the Treasury and published in two volumes of the American State Papers. The regular collection and publication of the statistics of our foreign commerce was undertaken in 1820 by the Treasury Department, through the collectors of customs. In 1844, Congress authorized the Secretary of the Treasury to collect and report annually on the condition of agriculture and domestic trade, and in 1866 the Bureau of Statistics, with a director, was established in that department, with a broad range of subjects, and finally incorporated in the Department of Commerce. Its function is to promote commerce and manufacturing by collecting and distributing information for the use and benefit of commercial in-

terests. Through the consular service of the State Department, it obtains reports on the current development of the trade of foreign countries and opportunities for the sale abroad of articles produced here, and in that connection publishes the daily Commerce Reports and supplements thereto; also special bulletins, pamphlets and confidential circulars or letters. The Bureau also appoints commercial attachés who represent it in the more important countries and are accredited to the embassies or legations therein. They study commercial problems, and report the results of their investigations for publication in the Commerce Reports.

The Bureau also has a corps of about twenty-six field agents or commercial agents, travelling in foreign countries. Their investigations cover a wide range of subjects, and new subjects are constantly taken up. Special work has been done connected with Latin America, under the charge of the Latin American division of the Bureau.

The Division of Foreign Tariffs keeps close tab on all changes in the custom tariffs of foreign countries, issuing reports and other publications covering also the necessary revenue laws of foreign countries; regulations for commercial travellers soliciting business abroad; the requirements for consular inventories of merchandise; marks; standards of purity, etc. Statistical information in regard to exports and imports is printed primarily in the Monthly Summary of Foreign Commerce and widely distributed. The Bureau, in 1911, issued a World Trade Directory, giving the names of importers in all countries of the world. This is brought down to date from time to time and carefully revised.

In 1914 the United States produced about \$25,000,000,000 of manufactures, of which only about five per cent. were exported. The Department is attempting to cover the domestic field of commerce more fully each year.

The *Bureau of Lighthouses* is charged with the establishment and maintenance of aids to navigation and with all equipment and work incident thereto on the sea and lake coasts and rivers of the United States and on the coasts of other territory under the jurisdiction of the United States, excepting the Philippine Islands and Panama. Our first lighthouse was built by Massachusetts in 1716, at the entrance to Boston harbor. On June 30, 1917, there were maintained by the lighthouse service, 15,223 aids to navigation, including 5,420 lights of all classes, and 588 fog signals (not including whistle and bell buoys), of which 51 were submarine signals. It has already been shown that in England and until a comparatively recent period, the care of lighthouses was a function of localities or private individuals, and not of the general government. Here then we have an illustration of the marked growth of purposive government.

The *Bureau of Navigation* has charge of the administration of the navigation laws of the United States relating to merchant vessels or yachts, their measurements, numbers, names, registers, enrollments, commissions, records, mortgages, bills of sale, transfers, entry, clearance and movements and transportation of their cargoes and passengers; owners, officers, seamen, passengers, fees, inspection, equipment for better security of life; tonnage tax; boilers; carrying of inflammatory, explosive or dangerous cargo; remission or refund of fines, penalties, forfeitures, exactions or charges incurred for violating any provisions of law relating to vessels and seamen. It also has charge of enforcing the acts relating to radio communication and the London International Radio Telegraphic Convention of 1912.

The *Bureau of Standards* has charge of the fixing of the standards of weights and measures, which power was given to the Government by the Constitution; but it was

over forty years before such standards were prepared, and the Secretary of the Treasury directed to furnish each State with copies thereof. The use of the metric system was legalized in 1866. In 1817 the subject of reforming and unifying weights and measures was referred to John Quincy Adams, then Secretary of State and subsequently President, and his report, which has become a classic in metrology, advised the adoption of a universal standard by international agreement. Yet it was almost a century later before a conference was held and there was established in Paris a permanent International Bureau of Weights and Measures. The Bureau of Standards also tests metals and materials used for buildings, bridges, railroads and other structures, and has issued more than 350 publications giving the results of its scientific work and describing the various kinds of testing.

The *Steamboat Inspection Service* inspects the holds and machinery of steam vessels and administers the laws requiring passenger vessels to be equipped with boats, rafts, water-tight bulkheads, signal lights, life-saving and fire-fighting apparatus. It also prescribes and administers pilot rules.

The *Coast and Geodetic Survey* really dates back to 1807, when a survey of our coasts was authorized by Congress and plans therefor were formulated by F. R. Hassler, an eminent scientist of Swiss birth. The work was not commenced until about 1817, and shortly thereafter was discontinued. In 1832 the law was revived and the work placed under the Treasury Department. The Survey now covers also surveys of Alaska, Hawaiian Islands, Philippine Islands, Porto Rico, and "other coasts under the jurisdiction of the United States."

The general continental coast of the United States, in-

cluding Alaska, measures 11,500 miles, which is increased by the indentations and convolutions of the littoral of its tidal rivers, islands, bays, sounds and gulfs, to 91,000 miles; and our recently acquired insular possessions add 5,400 miles of general coast line, and 12,100 miles of detail shore line. To cover this, the Survey's operations are published in over 650 charts; in Tide Tables which, prepared annually in advance of the year for which predictions are made, give the daily high and low values for each day of the year for the ports of the United States and for the leading ports of the world; in over twenty volumes of Coast Pilots and Sailing Directions, and in weekly notices to mariners, published in coöperation with the Bureau of Lighthouses.

A survey of the Atlantic, Gulf and Pacific coasts of the mainland of the United States has been made, requiring constant supplementary work and a continuous revision, and this work has been started in Alaska and the Philippine Islands. The work in Porto Rico has been largely finished. The Survey also does the geodetic work of the country, makes magnetic observations, and studies ocean currents.

The *Bureau of Fisheries*, originally authorized in 1871, was one of the earliest and most effective conservation movements undertaken by the Federal Government. It has charge of the administration and enforcement of the fishery laws in the United States and Alaska, and of all operations connected with the propagation and distribution of fish. It also seeks to increase the food supply by an augmented output of food from aquatic sources.

#### THE DEPARTMENT OF LABOR

The Department of Labor was created by an act approved March 4, 1913,

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“to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions and to advance their opportunities for profitable employment.”

It was practically carved out of the Department of Commerce and Labor, which represented the often antagonistic interests of the employer and the employee, and frequently found it difficult to reconcile its dual position. Within the fifty years prior to 1903, more than one hundred bills and resolutions had been introduced in Congress covering in large part the present duties of the Department of Labor. One of the chief functions of the Bureau is that of mediation in labor disputes.

“The Secretary has power to act as mediator and to appoint commissioners of conciliation in labor disputes, whenever in his judgment the interests of industrial peace may require this to be done.”

The war work put a very heavy temporary load upon the Department, which need not be discussed at length, but which may cause the Department's functions to be largely extended now that peace has come.

“It has been the policy of the Secretary to regard this statutory authority as imposing upon the Department of Labor, with reference to labor disputes, diplomatic duties analogous to those of the Department of State with reference to international affairs. The Department neither dictates nor arbitrates; it negotiates and recommends. As it is the duty of the Department of State to represent our nation with fairness toward all other nations, so it is the duty of the Department of Labor to represent wage-earning interests with fairness to all other industrial interests.”

Between July 1, 1916, and October 25, 1917, the department adjusted about 445 disputes, and in the year



ending June 30, 1917, the workmen affected directly by disputes brought to the department numbered 473,734, and those affected indirectly 334,225. The Department of Labor also has charge of the United States Employment Service, whose duties and work have grown immensely since the beginning of the war. The conditions of labor have been very much upset in this country since August, 1914, by the immense demand for labor in munition, shipbuilding, cantonment and other war work, which has paid enormous prices for labor and thereby drawn largely from ordinary employments.

The duties of the Department of Labor cover:

(a) The United States Employment Service, established in 1914, which seeks to stabilize and equalize the labor conditions throughout the country, and has become especially important in connection with the war. (b) Bureau of Labor Statistics. (c) Bureau of Immigration, which has charge of the immigrant and Chinese exclusion laws, and, after the declaration of war against Germany, of the internment of alien enemies. In the fiscal year ending June 30, 1913, 1,197,892 immigrants and 229,335 non-immigrant aliens entered our country, while four years later the total immigrants admitted were 295,403, and non-immigrant aliens 67,474. (d) Bureau of Naturalization, which has charge of the naturalization of foreigners. (e) Children's Bureau.

Through the Bureau of Immigration the Federal Government has for many years attempted to watch over and care for its immigrants, from the time they leave their homes, upon their voyage, and after their arrival and settlement here. In this case we have extended the preamble to the United States Constitution, so that it reads "to secure the blessings of liberty to our immigrants and their posterity."

## XVI

### THE PURPOSIVE FUNCTIONS OF THE DEPARTMENT OF THE INTERIOR AND OF OTHER FEDERAL DEPARTMENTS

FROM the very beginning it was recognized that to effect the general welfare would require a department of internal affairs, just as much as the protection of the country required a department of foreign affairs. The history of this phase of our government is covered in Chapter XV. From the beginning there was an incessant demand that there should be a department of home affairs or a Home Department, as it was usually called. Matters of this nature were constantly cropping up, but they were apportioned principally to the State and Treasury Departments.

In 1848, the Secretary of the Treasury, in his annual report, spoke of the enormous amount of work devolving upon him, and the diverse nature of his duties, some of which had no connection with commerce or the public finances. Also he showed that the State Department had no proper connection with the Patent Office, and that Indian affairs and applications for pensions might be better handled elsewhere than by the War and Navy Departments; and recommended that a new cabinet department be established to take charge of all the duties above named. The House Committee on Agriculture showed the mischiefs, losses and dangers resulting from the existing irrational and ruinous distribution of ex-

ecutive powers and duties, and that in the first sixty years of the government some \$700,000,000 had been expended for purposes of military aggression or defense; that the annual expenditures for the War and Navy were then twelve or fourteen million dollars; while the whole amount directly expended by the Federal Government during the same period for the promotion of the arts of peace, the development of agriculture and the mechanical sciences, the support of education and the diffusion of knowledge had been only about \$1,000,000.

On March 3, 1849, "An Act to establish the Home Department" was approved, creating the Department of the Interior. The new Secretary was given supervisory and appellate powers over the Commissioners of the General Land Office, Patents, Indian Affairs and Pensions; also over the census, the accounts of marshals and other officers of the United States courts, the Commissioner of Public Buildings in Washington; the lead and other mines of the United States; and the warden and inspectors of the District of Columbia penitentiary. From that time the Department of the Interior has been indeed a department of home affairs, a receptacle for any odds and ends of administrative work. The department has been well described as a sort of residuary legatee, to which was turned over any functions and duties for which no other place had been found. The following matters, chiefly purposive, have been in its charge, either permanently or temporarily: Government Hospital for the Insane, in Washington; Columbia Institution for the Deaf, Dumb and Blind; the construction of a wagon road from Fort Kearney, Nebraska, to California, as well as several other roads; enforcement of the laws to suppress the African slave trade; rebuilding of the Capitol at Washington, and the construction or control of many other buildings; a

Returns Office, in which should be filed all contracts executed on behalf of the War, Navy and Interior departments during the Civil War; various duties in respect to the Pacific railroads; national parks and bird reservations; auditor of railroad accounts, created in 1878, who afterward became Commissioner of Railroads; Bureau of Labor, established in 1884; control of the appropriations for agricultural colleges under the Morrill Acts; many matters in regard to Indian affairs, including the Commission of the Five Civilized Tribes; Howard University; reclamation; diversion of the Colorado River; preventing the improper appropriation or occupation of private squares, streets or reservations in the city of Washington; approval of plans and estimates for public buildings throughout the United States; approval of form of rail in a certain railroad, etc., etc.

The work of the Department of the Interior is now largely under several main bureaus, for the most part independent except as the right of appeal lies from their heads to the Secretary of the Interior. These are: the General Land Office, Patent Office, Pension Office, Bureau of Indian Affairs, Bureau of Education, Geological Survey, and Reclamation Service. The Land Office, Bureau of Education and Patent Office and Public Printing Office have been sufficiently covered in Chapters IX, XII and XIV, respectively. The other functions of the department as described on its own behalf are as follows:

“The Commissioner of Indian Affairs has charge of the Indian tribes of the United States (exclusive of Alaska), their education, lands, monies, schools, purchase of supplies and general welfare.” The Secretary is aided by the Board of Indian Commissioners, which, “created in 1869, is a body of unpaid citizens, appointed

by the President, who maintain an office in Washington, for the expenses of which and of travel Congress appropriates. The Board is not a bureau or division of any department, but is purposely kept reasonably independent and afforded opportunities for investigation in order that it may freely express an intelligent and impartial opinion concerning Indian legislation and administration. Its legal duties are to visit and inspect branches of the Indian Service, to coöperate with the Commissioner of Indian Affairs in the purchase and inspection of Indian supplies, and to report to the Secretary of the Interior, to whom and to the President the Board acts in an advisory capacity, with respect to plans of civilizing or dealing with the Indians."

Originally the Army and Navy had charge of their own pensions, but now

"The Commissioner of Pensions supervises the examination and adjudication of all claims arising under laws passed by Congress granting pensions on account of service in the Army or Navy rendered wholly prior to October 6, 1917; claims for reimbursement for the expenses of the last sickness and burial of deceased pensioners; and also claims for bounty-land warrants based upon military or naval service rendered prior to March 3, 1855."

"The Director of the Geological Survey is charged, under direction of the Secretary of the Interior, with classification of the public lands and the examination of the geologic structure, mineral resources and mineral products of the national domain. In conformity with this authorization, the Geological Survey has been engaged in making a geologic map of the United States, involving both topographic and geologic surveys, in collecting annually the statistics of mineral production, and in conducting investigations relating to surface and underground waters."

"The Reclamation Service, under the direction of the

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Secretary of the Interior, is charged with the survey, construction and operation of irrigation works in the arid States, as authorized by the reclamation act of June 17, 1902, and amendments. The executive officer of the Service is the director and chief engineer, who directs the work of investigating, building, operating and maintaining the works. The chief counsel controls matters regarding the legal rights and privileges of the service."

"The Director of the Bureau of Mines is charged with the investigations of the methods of mining, especially in relation to the safety of miners and the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the treatment of ores and other mineral substances, the use of explosives and electricity, the prevention of accidents, and other inquiries and technological investigations pertinent to such industries. He also has charge of tests and analyses of coals, lignites, ores and other mineral fuel substances belonging to or for the use of the United States, and has supervision over the mine inspector for Alaska; also the administration and enforcement of the act, approved October 6, 1917, to prohibit the manufacture, distribution, storage, use and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use and possession of the same."

"The Director of the National Park Service is charged with the duty of administering the national parks, the national monuments under the jurisdiction of the Interior Department, and the Hot Springs Reservation in Arkansas, including the maintenance, improvement and protection of the parks, monuments and reservations and the control of the concessioners operating utilities therein for the care of visitors."

"The Alaskan Engineering Commission was created under the act of March 12, 1914, which empowered, authorized and directed the President to locate, construct, operate or lease a railroad or railroads to con-



nect the interior of Alaska with one or more of the open navigable ports on the coast. Authority was also granted to purchase existing railroads, to construct, maintain and operate telegraph and telephone lines, and to make reservations of public lands in Alaska necessary for the purposes of the railroad. For the execution of this work a commission of three engineers was appointed by the President to make the necessary surveys. They were directed to report to the Secretary of the Interior, under whom the President placed the general administration of the work. After the completion of the preliminary surveys, the President by executive order selected the route for the railway from the coast to the interior, and continued the original commission of engineers in charge of the construction under the general supervision of the Secretary of the Interior."

Thus it appears that almost all the duties of the Department of the Interior are purposive rather than conductive, and are to promote the general welfare and the good of the people, as distinguished from the establishment of justice, ensuring domestic tranquillity or providing for the common defense.

#### DEPARTMENTS OF STATE, TREASURY, WAR, NAVY AND JUSTICE

Only a short space need be devoted to the other great Cabinet departments: State, Treasury, War, Navy and Justice. Their very names would imply that their functions are entirely conductive and for the country, but they have important purposive duties to perform.

The Department of State, in addition to its duties in regard to foreign affairs and diplomacy, is closely connected with our business affairs, exports and imports throughout the world. It has its Bureau of Trade Relations, under which it works with the Departments of Commerce and Labor, in collecting and preparing com-

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mercial, tariff and statistical information. Also a Division of Information and a Bureau of Rolls and a Library, accessible to the public and especially rich in material as to international relations, diplomacy, archives, maps, arbitration, etc. In many ways the State Department, with or without the coöperation of the Department of Commerce, acts as a big brother to any citizen who has business with foreign lands.

The Treasury Department does not fulfill merely the duties formerly exercised by the Exchequer in England, or belonging strictly to the conductive functions of the Government. It acts as an independent auditor of the War, Navy, Interior, State, Post Office and other departments, to insure honesty and the best business administration of these great purposive sections of our government; while for many years it has also guarded the monies of the people in the national banks and reduced the losses therein to a negligible minimum. The Treasury also is charged with the administration of the Federal Farm Loan Act, with power to grant charters to national farm loan associations and joint stock land banks. It conducts the public health service, with its divisions of Scientific Research, Foreign and Insular Quarantine and Immigration, Domestic (interstate) Quarantine, Sanitary Reports and Statistics, Marine Hospitals and Relief, under which intensive studies are made of diseases of man, including hookworm disease, malaria, pellagra, trachoma, typhoid fever, tuberculosis; of school, mental and industrial hygiene; of rural sanitation, etc. It controls forty-four quarantine stations in the United States and others in the Philippines, Hawaii and Porto Rico. It seeks to prevent the introduction or spread of contagious or infectious diseases into the country itself or between the States; collects and publishes information regarding

the prevalence and geographical distribution of diseases dangerous to the public health in the United States and foreign countries, and takes professional care of sick and disabled seamen at twenty-two marine hospitals and one hundred and twenty-two other relief stations. The Treasury also has charge of the Coast Guard and the many beneficent functions of the revenue system.

The War Department, in addition to its strictly military duties, includes the Board of Engineers for Rivers and Harbors, which has charge of projects or changes in projects for river and harbor improvements, covering especially commercial navigation and economic questions.

The Navy Department, besides the duties which its name implies, also looks out for the general welfare through its aid to commerce and private shipping interests and the collection and distribution of shipping intelligence, surveys, hydrographic and navigation data, preparing of charts, etc.

The head of the Department of Justice is the chief law officer of the Government and its departments, and furnishes solicitors who advise and have control of the law matters of those departments. In that way he becomes the chief legal adviser of all the departments of the Government.

## XVII

### THE GROWTH OF PURPOSEIVE GOVERNMENT IN OUR STATES AND CITIES

**I**T would not have been surprising if, acting upon our solid foundations of English law and history and liberty of the individual, and therefore of the whole people, we had increased the purposive functions of our local governments or even those of our States. In this hasty review the first and most prominent place has been given to the purposive functions of the Federal Government. The radical change in our conception of the powers and duties of the nation is extremely startling and enlightening to the careful student of our law and government. It is startling because it is entirely contrary to our English traditions. It is enlightening because it discloses the inherent constructive power of the English doctrine of liberty of the individual, as expanded in our cosmopolitan country, to meet and conquer the novel and fundamental problems which have confronted us as we changed from a government exercising only constitutional and operative functions to one which increasingly exercised purposive functions, and made its constitutional and operative functions clearly subservient thereto. The inherent tendency of English government was toward the decentralization of the central government. Yet when it was imperative that we should revolutionize the constitutional and operative branches of our governments, the English conception of liberty of the

individual was equal to the demands upon it. It has been the basis upon which we have founded the greatest work of voluntary centralization which the world has ever seen; and it has worked in our national government as smoothly as in our state and local governments. By thus meeting and mastering the tremendously novel questions arising in connection with the launching and developing of the greatest experiment in government for the people which the world has ever witnessed, the English conception of liberty and ours of the blessings of liberty have shown a constructive social power which is the exact antithesis of the destructive power of Marx's social revolution.

It has constantly happened in history that some city or other small locality has had a more or less temporary form of beneficent government under which its citizens have prospered and been safe and happy. Our greatest discovery and accomplishment came when we successfully applied this hitherto limited law to our state and national governments. This rather undue prominence given to our national purposive functions should not blind us to the fact that the greatest field for purposive government is in the cities, next in the State and last in the nation.

We are apt to think that the peace time activities of the Federal Government are relatively larger and more important than those of the States or cities; but this is an evident error. Large aggregations of population in a limited area produce problems which do not affect the State or the country as a whole. The local expenses of a great city are correspondingly heavier per capita, even without counting the share of the state and federal expenses which the city must bear. For example, in 1917 the total expenses of the City of New York were \$198,-

989,786, or about \$40 per capita; while those of New York State were only \$81,497,929, or about \$8 per capita; more than half of which was borne by the city. The ordinary expenses of the United States for the same year were \$731,399,759, or about \$7 per capita, including some cross entries of receipts and expenses in particular departments, which would materially reduce this total. Yet about one-third of the total ordinary receipts of the Federal Government for that year were collected in New York City. Therefore, the large cities bear very much more than their proportionate share of the national and state expenses, while the rural districts go almost scot-free.

The rapid growth of the cities and the gathering of large populations within the boundaries of what had been a town or county increase the need of purposive government. The local government of large cities involves a mass of detail of little interest to the general public and requiring specialized knowledge. The old-fashioned acquaintance of villagers with local conditions and officials disappears more and more as the city grows larger, and especially as it takes in many local governments. Thus in 1898 the city of Greater New York absorbed 128 different local governments, including cities, counties, towns, villages, water and school districts, etc., each of which had issued its own bonded obligations which were assumed by the Greater City. In 1790 less than 10 per cent. of the population of New York State was in New York City, which was the only community with more than 8,000 population. In 1918 there were about 59 cities of over 8,000 each, and 52 per cent. of the total population was in New York City, 74.8 per cent. in the cities, and a very considerable number of incorporated villages had more inhabitants than Albany had in 1780.



Furthermore, the relations of the people are very much more personal and intimate with their local governments and authorities than with those of the State or nation. Local officials necessarily come from that locality, and probably have been personally and widely known therein. The seat of such government is at home and the workings of the government are discussed in the newspapers and between fellow citizens.

The state government is farther removed from the daily lives of the ordinary man. It touches his daily life very much less intimately and its affairs are less frequently discussed. Few of its officials are known personally in any locality. This is even more true of the national government whose members and operations are a long way off from the daily lives of the majority of the people.

Because of this we would expect that, great as the development of the purposive or business functions of the Federal Government has been shown to be, the development of those functions would be even greater in the State and still greater in the large cities. The facts bear out this presumption.

A report on Retrenchment and the Reconstruction of the State Government of New York has been prepared and recently published by an able committee of the Reconstruction Commission, appointed by Governor Alfred E. Smith. This committee reports that at present the State Government is carried on by 190 different agencies, including those elected by the people or appointed by the legislature, or governor, or by the Court of Appeals or by other methods of appointment. These agencies numbered only eight under New York's first constitution. A careful analysis of these 190 agencies shows that more than 150 of them are purposive in their nature, of a kind un-

known to the English government prior to 1776, and that in connection with each of these the state government is either conducting the business itself or supervising the business relations of some or all of its people. Governor Alfred E. Smith, who has long been known as one of the leading authorities upon every detail of the state government of New York, estimates that the business of that government has increased twenty times within the past thirty years. Evidently almost all of this increase has been along purposive lines.

The expenditures of our States in their government for the people, to ensure their safety and happiness and secure to them the blessings of liberty, are usually in other fields than those covered by the Federal Government. Also they are outside of the original and ordinary executive, legislative, judicial and administrative functions of the State, many of which now cover duties which would not have been entrusted to either the local or the central government in England a few hundred years ago. Far beyond the recognized conductive activities, there is a much larger purposive field. Hitherto, in our reviews of the growth of purposive governments, we have considered chiefly what the national government did for the people by direct aid in money or otherwise. Yet the state governments have had to go much further than this and throw the ægis of their protection over the people and shield them from predatory wealth and other forms of evil which could be controlled only by the power of the people concentrated in the nation or the State. These activities of the state governments can be illustrated by a list of such government-for-the-people activities in the State of New York, which are sustained through state appropriations raised by taxes, loans or fees:

(1) *Regulative*: Banking department, insurance de-

partment, railroad commission, inspectors of steam vessels, superintendent of weights and measures, inspectors of racing associations, public service commission, departments of excise, health and labor, factory inspectors, board of arbitration, bureau of labor statistics, quarantine commission, board of port wardens, inspector of gas meters, commission on fisheries.

(2) *Educational*: This is largely covered by the county and city taxes, but the State maintains the state university, which is really a state educational board with very broad powers over schools and academies, including Indian and normal schools; handling the revenue from the college land scrip, free school and general funds; and controlling the state historian, the state library, state museum, and public libraries. The State has made direct appropriations to most of the colleges and universities within its borders.

(3) *Agriculture*: Agricultural colleges, prizes among the various county agricultural societies, dairy commission, dairymen's association, experimental stations, department of agriculture, state fair commission, state veterinary college, and other colleges having agricultural features.

(4) *Curative*: State commission in lunacy, having thirteen or more insane asylums under its charge.

(5) *Charitable*: State board of charities, having under its charge houses of refuge for juvenile delinquents, institutions for feeble-minded children and women, for the blind, and soldiers and sailors; training school for girls; state reformatories; colonies for epileptics; the woman's relief corps home; hospitals for the cure of crippled and deformed children, and for tuberculosis, with general control over private institutions for the same ends.

(6) *Protective*: Commissions having charge of pub-

lic lands, Indian affairs, monuments and exhibits; fish, game and birds; bounties on wolves and other wild animals; bounties on wool and silk, coal, lead, gypsum, salt, etc., and to encourage the raising of sheep.

(7) *Constructive*: State engineer and surveyor; state architect; water supply commission; department of highways, and other officials having charge of internal improvements, canals, roads, bridges, railroads, draining swamps, dredging rivers, etc.

Important as are the purposive agencies of the federal and state governments, those of the cities are proportionately even more numerous and better understood by the ordinary citizen. They include local hospitals, dispensaries, almshouses, homes and asylums of all kinds, public libraries and museums, schools and other similar agencies which are locally managed and supported. While the public schools are controlled and fostered by the national and state governments, they are administered and chiefly supported by their home localities.

Thus we find that under our unconscious but unceasing development of purposive government, we have centralized every part of its purposive features and have set up every branch of the national and local governments in some form of business for the people. Those matters which are national and interstate in their nature are covered by great executive departments, commissions and bureaus in Washington; those which are intrastate or local are handled by similar purposive agencies acting under the state, county, city, ward, town or even lesser local units.

Because we have not realized how the nature of our governments was changing we have constantly added new purposive agencies in a haphazard and agglutinated way. This has become more apparent since thirty-eight States

have enacted legislation providing for a consolidated budget system, with varying provisions as to method of preparation, legislative review and enactment into law. Illinois, in 1916, completely reorganized her state administration, sweeping away one hundred and nine offices and agencies, and consolidating state affairs under nine great departments. Nebraska reduced eighty-two departments and agencies to six administrative departments, six constitutional offices and four constitutional boards. Idaho consolidated a great number of offices, boards and commissions into nine departments under the authority of the governor. Like changes are pending in Massachusetts, Oregon, California, Indiana and other States. The commissions upon this subject in many States have made reports which agree substantially (1) that the state administration is now a collection of offices, boards and other agencies created from time to time by the legislature, without consideration having been given to the desirability of grouping all related work in one department; (2) that the board or commission type for purely administrative work is frequently inefficient, owing to the division of powers and absence of initiative and responsibility; although this applies with less force to departments having important quasi legislative or quasi judicial functions; (3) that boards have been frequently successful in carrying out advisory and inspectional functions and in supervising education; (4) that *ex-officio* boards are almost never efficient; (5) that widely scattered and independent agencies of state government cannot be effectively supervised and controlled either by the legislature or the governor.

It is not claimed for a moment that this movement toward purposive government has been exclusively confined to the United States; for throughout the world it

has followed the growth of democracy, along lines very similar to ours. For obvious reasons this discussion is confined to our own country. Moreover, the civil service systems of the older European countries antedate ours and are usually much more scientifically and efficiently conducted, and their operative governments are better run.

After this very inadequate review of the growth and extent of our purposive governments, we must briefly consider some of the influences which have materially affected our purposive efforts. These are the absence of proper civil service laws (Chapter XVIII); the administration of our charities, corrections and public health which have tended to bring about centralization (Chapter XIX); how we have been compelled to introduce public and private regulatory agencies (Chapter XX); and the salutary effects of our numerous constitutional checks and counterchecks (Chapter XXI). Thereafter we can perceive and understand the revolutionary changes which the enormous growth of our purposive functions has compelled us to make in the executive, legislative, judiciary and political party branches and activities of our governments (Chapters XXII to XXV inclusive).



## XVIII

### HOW WRONG GOVERNMENTAL BUSINESS METHODS DEBAUCHED A NATION'S HABIT OF THOUGHT

OUR forefathers, knowing only the business methods prevalent in the small and weak colonies, and quite unacquainted with large business affairs or scientific methods, adopted a very un-businesslike plan upon which to conduct their governments, and started them out upon principles which must inevitably produce incompetence, failure, political corruption and fraud. They should have seen that public officials were public servants, carrying out trusts for the people, and that the offices should be filled under some principle, essentially democratic in its nature, which was likely to secure the best trustees who would most efficiently and safely carry out the purposes of the Government; and that the public offices paid for by the people should be administered solely in their interest and never in the interest merely of an individual or a faction or a party. Otherwise, the purposive business of the Government was bound to be injured.

The principle that public officials are public trustees and should be of the highest character and efficiency was recognized by Washington and his immediate successors, and by some of the earlier statesmen, but all the time the poison of a wrong system was working among the people, and the result was inevitable. Washington positively refused to consider the political opinions of a candidate until he was satisfied that he was honest and

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capable and *had the confidence of his fellow citizens*; or to consider men because they were his friends. He said that in such matters he was not George Washington, but the President of the United States. He also refused to remove a political enemy or opponent on that ground only. In eight years, during which he was organizing a new national government, he removed only eight minor officials for cause, and recalled a minister at the request of France. His successor, John Adams, hesitated to retain his own son in a position to which Washington had appointed him, and in four years removed only nine subordinate officers for cause. Madison made five removals in eight years; Monroe, nine in eight years, and the younger Adams two in four years. Andrew Jackson, Adams' successor, removed 2,000 in his first year. Meanwhile, the wrong principles upon which our governments were being conducted increasingly made corrupt party politics the American habit of thought, and tended to excuse corruption in all branches of business and government.

Under the United States Constitution, very few powers were directly vested in the President, and it was left to the Congress to determine the powers of, and, through annual appropriations, to control the executive departments. The greatest defect in the United States Constitution was its failure to provide for a proper civil service system or for any governmental control of the political parties. Inevitably, this absolutely wrong business and political plan wrought untold havoc in the Federal Government. Although, after about a century, the evil was largely corrected by civil service reforms, it had meantime debauched the people's habit of thought in every part of the country, and had affected adversely the conduct of the governments of the States, counties, cities,

towns and villages, in a vast majority of which this wrong business method is still rampant.

The spoils theory soon assumed the following working form: no term of office to be longer than that of the appointing officer; every appointee to be removable at pleasure; elective terms to be made short, with rotation in office, so as to find places for as many servile partisans as possible; offices and salaries to be the spoils of party warfare; appointments and removals to be made for political purposes and not for the people or their benefit.

Some of the resulting evils, more or less widespread throughout every branch of the national, state, city and local governments, were as follows: unnecessary burdens on time of executive and administrative officers; employment of unnecessary men, especially just before election times; no departure from the Spoils System even in the case of such non-political agencies as the life savers, for the Life Saving Service was rotten until put under civil service; levying of political assessments; dulling the conscience and interest of the people and leading them to accept any form of bad government as inevitable under a corrupt political party system; making people mere office seekers and ready to accept any office, so long as it was an office, as illustrated by the candidate who insisted upon being made minister to Berlin, but was satisfied to land the consulship at Jerusalem; diversion of office holders to political work. Good men got into office by accident, but now, under the Merit System, by selection. The constant discharge of experienced men was bad business and would have bankrupted any private concern, and the Government could never have continued in business if it had not had practically unlimited means to draw from. The perfectly evident results were extravagance, inefficiency and plunder, and an obvious and increasing disre-

gard of the purposes of the Government as laid down in the Declaration of Independence and the constitutions.

For every office in his gift, a hundred applicants might present themselves, with their local backers and patrons, to the executive officer. His time was thus frittered away listening to claimants, ninety-nine per cent. of whom he must necessarily disappoint. In the post office, customs houses, Public Printing Office, Bureau of Engraving and Printing, and other offices having a considerable number of places to be filled, the scandal became indescribable.

The reports of the United States Civil Service Commission set forth these conditions at length, and show, among other things, that in the Treasury Department, 3,400 persons were at one time employed, less than 1,600 of them under authority of law. Seventeen hundred were put on and off the rolls at the pleasure of the Secretary, who paid them out of funds that had not been appropriated by law for the payment of such employees. Out of 958 employed in the Bureau of Engraving and Printing, 539, with annual salaries amounting to \$390,000, were found to be superfluous. In one division there was a sort of platform, built underneath the iron roof, about seven feet above the floor, to accommodate superfluous employees. In another division twenty messengers were employed to do the work of one. A committee of investigation reported that the Spoils System had cost millions of dollars in that branch alone. When \$1,600 and \$1,800 places became vacant the salaries thereof would be allowed to lapse, to accumulate so that these accumulations might be divided among needy applicants. In place of one \$1,800 clerk three would be employed at \$600 each, "on the lapse." In one case thirty-five persons were put on the "lapse fund" of the Treasurer's

office for eight days at the end of a fiscal year to sop up some money which was in danger of being saved and returned to the Treasury. Unnecessary employees abounded in every department, customs office and post office. Dismissals were made to supply with places the protégés of importunate solicitors for spoils. During a period of five years in succession, Collectors of the Port of New York, all belonging to one party, made removals at the rate of one every day for the purpose of patronage. In 1,565 secular days 1,678 such removals were made. Even members of Congress of national reputation signed circular letters addressed to subordinate civil servants of the Government requesting contributions to be paid to them by office holders, although this was forbidden by law. The public conscience had been so perverted that people were not shocked when they beheld public offices bestowed, as a reward for partisan services, upon persons at once unworthy and incompetent. Senator Hoar, in his speech on the Belknap impeachment trial, forcefully stated the condition of the public mind at that time when he said:

“I have heard in highest places the shameless doctrine avowed by men grown old in office, that the true way by which power should be gained in this republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promoting of selfish ambition and the gratification of personal revenge.”

The evils of the Spoils System were most disastrous to the nation when they prevented Lincoln from devoting all of his time to the conduct of the Civil War. His persecution by hordes of office seekers is best described by Nicolay and Hay, who had been his private secretaries:

“The city was full of strangers; the White House was

full of applicants from the North. At any hour of the day one might see at the outer door and on the staircase one file going, one file coming. In the anteroom and in the broad corridor adjoining the President's office there was a restless and persistent crowd—ten, twenty, sometimes fifty, varying with the day and hour—each one in pursuit of one of the many crumbs of official patronage. They walked the floor; they talked in groups; they scowled at every arrival and blessed every departure; they wrangled with the doorkeepers for right of entrance; they intrigued with them for the surreptitious chances; they crowded forward to get even as much as an instant's glance through the half opened door into the executive chamber; they besieged the representatives and senators who had privilege and precedence; they glared with envy and grumbled with jealousy at the cabinet ministers who, by right and usage, pushed through the throng and walked unquestioned through the doors."

One month after taking office and before the actual outbreak of the War, Lincoln said:

"I wish I could get time to attend to the Southern question. I think I know what is wanted, and believe I could do something toward quieting the rising discontent, but the office seekers demand all my time. I am like a man so busy letting rooms in one end of his house that he cannot stop to put out the fire that is burning in the other."

At another important crisis he was importuned for patronage by a committee of New York politicians, whose chairman sanctimoniously referred to "the awful burden of the nation's fate resting on the President."

"Gentlemen," interrupted Lincoln, "it is not the fate of the nation that worries me most just now; it is your pesky post office."

The Federal Government showed the corrupt politicians of the States and cities how political corruption



could be made to pay. The picturesque boss of New York City, William M. Tweed, was merely a to-be-expected product and example of the "system" and the times. There was absolutely no sufficient reason why, of all the nations in the world, the United States, with its pure of, by and for government, whose purposes had been so clearly avowed, should have been the one country marked by such an orgy of political spoilsmen. Our early leaders were honest men, pledged to honest government, and set us a fine example. In a debate over one of Jackson's appointments, Daniel Webster said:

"The theory of our institutions is plain; it is that government is an agency created for the good of the people, and that every person in office is the agent and servant of the people. Offices are created, not for the benefit of those who are to fill them, but for the public convenience."

On this occasion Webster was backed by Henry Clay and John C. Calhoun, his great political opponents and rivals in ambition. Senator Marcy, afterward governor of New York, said in reply:

"The politicians of the United States are not so fastidious as some gentlemen are as to disclosing the principles on which they act. They see nothing wrong in the rule that to the victors belong the spoils of the enemy."

England early set us a wonderful example of proper civil administration in her government of India. That country, which is about half as large as all Europe, with about one-sixth of the inhabitants of the earth, presented conditions peculiarly adapted for wrong-doing by the English office holders, who, from our standpoint, had every opportunity and incentive to "work" the natives.

The office holders were few and widely scattered, their accounts and actions were not easily checked off, and there was every inducement to become lax and corrupt. The Indian Civil Service grew naturally from the business organization of merchants and agents employed in buying or selling the East India Company's goods. Long after this had ceased to be an important part of the Company's business, its employees continued to be styled senior and junior merchants, factors and writers. In other words, the initial organization of the Indian Civil Service was that of an important and successful corporation. It was early provided that the selection of the young men should be made in England and not in India, but that after the first selection, the English authorities could exercise no influence, and

"the distribution of offices and questions of appointment and promotion are left absolutely to the governments in India. . . . The observance of this wholesome rule has, more than anything else, conduced to the purity of Indian patronage and to its general freedom from party and political bias."

At first, appointments in England were usually made by directors, stockholders or others with influence in the Company, and to that extent only could there be favoritism or nepotism. The renewal of the charter, in 1853, provided that appointments to the civil service should be by unrestricted open competition, which has been the case ever since. Under the beneficent rule of the few Englishmen in charge of Indian affairs, that country has grown enormously in a material way, and the purposive functions of its government have been unique. English dominion has banished war and famine, chronic misgovernment and oppression, perpetual or perpetually re-

curing pestilence, cruel and degrading superstition, and universal ignorance.

For some reason or other, the English rule in India, for at least the last seventy-five years, has been wonderfully clean and beneficent, and the Englishmen sent out to grow up in the Service have been a splendidly honest and decent lot of men. It would be possible to show more political corruption, wickedness and dishonesty in one of our cities in a week than there has been among the English officials in India in seventy-five years.

Only two inferences can be drawn from these facts: either the Englishman is infinitely more honest and decent than the American, or else the English East Indian Civil Service system was the right way to conduct governmental business; while our wrong theory has debauched our national habit of thought in regard to such conduct, and has been the direct cause of the scandals, crimes, corruption and wickedness of our governmental history. That the latter is true is proved by our course in the Philippine Islands, where a high-class merit system was introduced by the first Governor, William H. Taft, and where we have had a wonderfully successful, clean and decent administration, of which we need not be ashamed. Furthermore, under our own government, where good civil service has prevailed for any length of time, the former scandals and corruption have been largely done away with and the splendid results obtained which have been referred to in the preceding chapters upon our executive departments.

Therefore it seems unquestionable that we have not lost the natural honesty and decency which we got from our English forefathers and from the English common law; but that our young men, as soon as they touch politics, have come under the baleful influence of the

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Spoils System and in most cases have felt that in order to be successful they must practice or at least wink at rotten party politics.

In a government of the people, such a scandalous state of affairs must work out its own destruction. As early as 1853, Congress put the appointment of certain departmental clerks under non-competitive examinations. In 1867 the Joint Committee on Retrenchment made a report, accompanied by a bill "to regulate the civil service of the United States and to promote its efficiency," but nothing came of this. Finally, on March 3, 1871, an act was passed providing that

"The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries and may prescribe their duties and establish regulations for the conduct of persons who may receive appointments in the civil service."

The next day, President Grant appointed George William Curtis and six others as the first Civil Service Commission. Their first report was presented, on December 18, 1871, to the President, who adopted the proposed rules and regulations. In April, 1872, another report was submitted, with further rules regulating appointments, which were likewise adopted and put in force. The rules remained in operation for three years, in spite of the active opposition of the party leaders, but in 1875 Congress refused an appropriation for the expenses of the Commission, and in March, 1876, President Grant, yielding his own convictions, suspended the operations of the civil service rules.

The assassination of President Garfield, in July, 1881, by a disappointed office seeker, capped the climax and determined the country to introduce business principles into the conduct of its national government. Congress immediately took the matter up, and in May, 1882, the Senate Committee on Retrenchment made a report showing to what proportions the abuse had grown.

“ The office of the Chief Magistrate has undergone in practice a radical change. The President of the republic created by the Constitution in the beginning and the Chief Magistrates of to-day are two entirely different functionaries. There has grown up such a perversion of the duties of that high office, such a prostitution of it to ends unworthy the great idea of its creation, imposing burdens so grievous and so degrading of all the faculties and functions becoming its occupant, that a change has already come in the character of the government itself, which, if not corrected, will be permanent and disastrous. Thus hampered and beset, the Chief Magistrate of this nation wears out his term and his life in the petty services of party and in the bestowal of the favors its ascendancy commands. He gives daily audience to beggars for place and sits in judgment upon the party claims of contestants. The Executive Mansion is besieged, if not sacked, and its corridors and chambers are crowded each day with the ever-changing but never-ending throng. Every Chief Magistrate since the evil has grown to its present proportions has cried out for deliverance. Physical endurance even is taxed beyond its power. More than one President is believed to have lost his life from this cause. The spectacle exhibited of the Chief Magistrate of this great nation feeding, like a keeper his flock, the hungry, clamorous, crowding, jostling multitude which daily gathers around the dispenser of patronage is humiliating to the patriotic citizen interested alone in national progress and grandeur. Each President, whatever may be his political associations, however strong may be his personal characteristics, steps into a current the force of

which is constantly increasing. He can neither stem nor control it, much less direct his own course, as he is buffeted and driven hither and thither by its uncertain and unmanageable forces."

On January 16, 1883, the present National Civil Service law was passed, under which the Presidents designate the offices to be put under the law. Gradually this application has been extended until it now covers about 500,000 federal employees. Stop for a moment and think how much time President Wilson would have had to devote to the problems of this War if he were surrounded by the conditions which almost overwhelmed Lincoln, and if he had to act as chief dispenser of patronage for this army of 500,000 now under the Merit System.

Naturally, but very unjustly, civil service is understood by the average person to be a law placing public employees under its operation, principally as an antidote to the Spoils System. Although the scandals of that system undoubtedly brought about the introduction of the Merit System, as it is called under the New York Constitution, it has other far higher functions which it is splendidly carrying out. Curiously enough, the best statement of these higher functions is found in an annual report of the Municipal Civil Service Commission of New York City, under Mayor John Purroy Mitchell, which has under it about 100,000 city employees, in which they show how a Civil Service Commission might and could occupy the new field of employment manager like that in an industrial or business corporation.

This is not confined solely to the problem of selecting employees, but also concerns itself with the problem of rendering the personnel as efficient as possible. An employment manager is the representative of the corporation in its employment relations with the employees.



“It is his business not merely to devise proper selective methods, but also to devise means whereby misfits in an industrial organization may be corrected, industrial disputes or causes of discontent avoided, and the physical, moral and intellectual well-being of the employees properly safeguarded and their development into greater fields of usefulness carefully studied and made effective.”

It is in and into the spirit thus expressed that the Merit System has been growing for many years. The various laws and rules are largely uniform throughout the federal and state commissions; providing for the classification of positions, the examination of candidates, a probationary period, and promotion from lower to higher grades of employment. Usually in administering these principles, the commissions have honestly tried to apply to the public business the best common-sense principles of private business, realizing that the fundamental principles of public and private business are the same, with some differences in detail and even in the method of performance. In both, honesty, efficiency, accuracy, promptitude and an active interest in the success of the business are essential, and the larger the business the more fully these qualifications must be enforced by complete regulations, inspections and reports.

Competition is the spur to excellence in business life. The rules and regulations of the Government ought to be better than those of any great private corporation, and provide for its employees a fair competition in entrance and promotion; employment during satisfactory service, under proper working conditions, at reasonable wages and with a reasonable increase of compensation, and, in proper cases, a pension.

“By eliminating the elements of favoritism, nepotism and partisan recompense, it stimulates manly aspirations,

develops independence in thought and character, protects equally the rights of every citizen, and secures fair play against selfishness and presumptuous mediocrity."

The principle that the nation is willing to spend weeks and months in selecting its best citizen as its chief executive applies to every office all the way down the line, and entitles the people to the best available material at their command, even in the lowest offices. They are entitled to have the governmental laws, rules and regulations so framed and administered as to give them the best persons as public servants who are available for such service.

Examinations fail miserably if they put unworthy or unqualified men into office, or if they fail to put within the reach of appointing officers the men best fitted for the service required. The object of civil service examinations is to get candidates qualified for their work and have them tested by examinations which will show their qualifications in regard to the particular subject with which they have to deal, and also show that in their experience, intelligence and education they know something about the matters which they will be called upon officially to transact.

It has been comparatively easy, with the aid of all the presidents from Arthur down, to introduce civil service reform into the Federal Government, but what can be said of the state, county, city, village, town and other local governments which have been thoroughly poisoned by the Spoils System? In 1883, New York, under Governor Grover Cleveland, also passed a civil service law, and Massachusetts followed in 1884. For twenty years these were the only States under civil service law, although some of the cities of the country adopted the Merit Sys-

tem. Two States, New York and Ohio, have constitutional provisions governing this subject. In three States, New York, Massachusetts and Ohio, all the cities have been put under civil service rules. California, Connecticut, Colorado, Illinois, Kansas, Massachusetts, New Jersey, New York, Ohio and Wisconsin have laws applying to state officials; but thirty-eight States, or about eighty per cent. of the whole, have no state-wide law. Some or all of the cities in twenty-seven States have civil service. This makes a pretty poor showing upon the whole. No Southern State has a state law, and only ten Southern cities (including some in Texas, Kentucky, Virginia and Tennessee) have civil service provisions.

We must not forget that the pursuit and attempted obliteration of this evil has been due almost entirely to the efforts of far-sighted and public-spirited citizens who have seen the baleful effects of the present system. At their own expense and without official recognition or compensation, they have fought the people's battle against wrong business methods in the administration of the people's affairs, especially those which were purposive in their nature. Our history is filled with a noble band of prophets crying in the wilderness—who started their reforms by being branded as cranks, visionaries and even as crooks. All honor to these men and women who have undertaken and unceasingly carried forward the thankless task of saving us from ourselves. This reform is not primarily due to any public demand or any agitation and education through the political parties. The credit for it is due almost solely to the efforts of the National Civil Service Reform League and its associated bodies who have forced favorable action against the most determined open and covert opposition from the politicians.

## XIX

### HOW CHARITIES, CORRECTIONS AND THE PUBLIC HEALTH HAVE CAUSED CENTRALIZATION

UNDER the early English conceptions, the administration of charities and corrections was considered as local, individualistic and decentralized, and the same thoughts prevailed in the early colonial times. The English parishes handled the poor rates; but in the colonies, where there was no state church, this function largely ceased, except as each church congregation aided its own needy members. Each family was presumed to take care of its poor, its insane, deaf, dumb, blind and defectives. Later, the town, county and State successively assumed some of these responsibilities, until now state administration or supervision of charities is considered the only proper way to handle them. In like manner the village lockup gave way to the town gaol; that to the county jail or house of correction or penitentiary; and then there came the state prison and reformatory, with state supervision of prisons.

Up to the time of the Declaration of Independence and the formation of the first state constitutions, there had been decentralization in the colonies. At the very beginning, the royal governors had appointed substantially all local officials. In New York, the Dutch West India Company sent over directors general, and the Duke of York at first appointed governors who possessed supreme executive, legislative and judicial powers, not only over

the colony as a whole, but over all local affairs. The cities of New York and Albany and the towns on Long Island soon sought to change this. In 1691 a legislature was formed which immediately created elective county governments, and thereafter the powers of the executive were constantly decreased as those of the legislature and county authorities were increased.

As shown in Chapter XVII, substantially all power to appoint local officers was taken from the governor under New York's first constitution, in 1777, and vested in the Council of Appointment. The constitution of 1821 authorized the common councils of the cities to elect their mayors and the people of each county to elect sheriffs. Justices of the peace were made elective in 1826, and this right was extended as to other officers as the years went by. But the constitution of 1821 reserved to the governor the right to remove any sheriff, county clerk or register, upon charges after hearing; and later this rule was extended to embrace county coroners, district attorneys, superintendents of the poor and notaries public, and thereafter the centralization of the state government proceeded rapidly.

As to education, charities and corrections and the highways, this centralization was due to an economic condition. Neither the home, village, town or county could satisfactorily handle the problems arising in connection with the insane, the defective, deaf, dumb, blind, incorrigible and poor, because the local units were too small and poor. Also there is always a large number of these classes whose care should not be a charge upon any particular town or other local unit. This is especially true in New York City, with the millions of immigrants who have poured through its gates in the past hundred years. As our school system could not become great or satisfactory

when founded upon the school district, so our system of charities and corrections and public health could not be adequate unless under the charge of the State.

There has been a decided tendency in New York and in some other States to centralize the government of the cities in the mayor or his appointees, or in a small board or commission, who can be held directly responsible for bad government. We have become so accustomed to the swing of our country toward centralization of federal, state and local governments that, as far as we can, we are putting the really important duties into the hands of the national government and a large part of the remainder into the hands of the state governments or cities, and leaving only a few things to be managed by the county governments or towns. It would seem ridiculous to us if we tried to leave in the hands of towns or counties, much less school or road districts, the functions which we now vest in our national or state governments or departments or commissions. Imagine a small local unit having charge of agriculture or the agricultural colleges; of the asylums for epileptics, crippled and deformed children, tuberculosis, feeble-minded women and children, insane, deaf, dumb and blind; or of banking; public buildings; canal funds, lands and operation; reformatory institutions; common school funds; normal schools; state engineering and surveying; law, medical and other examiners; highways, insurance, trust companies, labor, libraries, forestry, and many other purposive departments which are now in charge of the national or state governments. We have learned by experience, which has sometimes been sad, that small local units cannot handle safely or satisfactorily the interests which really affect all the people of the state or nation as a class.



New York early learned that she must increasingly centralize the care of her charities. During the Revolutionary War the county supervisors were given power to levy the poor tax as a part of the county tax; but each town which continued to pay for its own poor was to receive the money directly from the tax collector. In 1784, public officials took the place of church officers in administering poor relief in New York and other counties where the Church of England had been dominant. In 1788 the pressure of immigrant poor began to be felt, and from that time there has been constant legislation under the state poor laws and under the national immigration laws to adequately and fairly cover the question of needy immigrants. It is almost a century since the counties took the entire charge of the poor away from the towns and erected county poorhouses, finally assuming charge of all the county poor without reference to the number coming from the several towns. The first step toward state care of paupers was in 1778, when the state furnished aid to the families of soldiers of the Revolutionary War, and later allowed to the local overseers the expenses of taking charge of the slaves who were freed by state law about 1800.

New York State first granted aid in 1819 for the education of the deaf and dumb; for a state lunatic asylum in 1836; for a state industrial school in 1846; for an asylum for idiots in 1851; for the chronic insane in 1865; for a state school for the blind in 1867. During all these years there were also frequent appropriations made to private charitable institutions covering most of the subjects for which state institutions had been built. Up to this time there had been practically no supervision of the charities of the State in any satisfactory and complete way. The county superintendents of poor were required

to make annual reports to the Secretary of State of the name, age, sex and native country of every pauper helped during the year, "with such other information as the Secretary of State may direct."

In 1867 a state board of eight unsalaried commissioners of public charities was granted power to supervise and coördinate public charities throughout the State. All charitable and correctional institutions, except prisons, receiving state aid, were to be visited at least once a year by some member of the board, and the city and county poorhouses at least once in two years. These investigations were to cover the finances, methods of instruction, government and management, and condition of buildings and grounds, but the state board could only report to the legislature, and had no authority to institute improvements or control the management of the institutions. In 1873 a salaried State Commissioner of Lunacy was created, and the State Board of Charities continued with some additional powers, including the right to appoint county boards of visitors for the county poorhouses, visit all private charitable institutions, and license institutions for the care of the insane. In later years it was charged with administering the act for the return of alien paupers, and its consent was required to the incorporation of orphan asylums. From that point the steps have been rapid and easy, until now all the insane of New York are in charge of the State, and state insane hospitals (formerly asylums) are under the control of the state officials at Albany. There is a common budget and purchasing system. Enormous sums of money have been appropriated by the State to enlarge and improve the hospitals and their grounds. The whole subject of charities is under the State Charities Law, while the State Constitution provides for a State Board of Charities and for the

endowment of it with extensive visitation, inspection and other powers.

The New York State system of public charities now covers the state insane hospitals, which are a complete system in themselves, and also asylums for the feeble-minded, epileptic, blind and deaf mutes, reformatories, and homes for veteran soldiers and sailors. County and city almshouses, supported and managed by the local authorities, and about 500 private institutions, including asylums for dependent children and aged persons, and hospitals for the sick, are also under the general supervision of the State Board, which is made up of one commissioner resident in each of the nine judicial departments of the State, with some additional commissioners from New York City, appointed for eight years. Only their expenses are paid and ten dollars for each day's attendance at meetings. The board has had a remarkable history for permanency of tenure of office. During its first thirty years, in which time the State had ten governors,

"the members who have been willing to continue in the service have been, without exception, reappointed on the expiration of their terms. One member of the original board remained in office twenty-eight years, another twenty-three years, and others for almost equally long periods."

The first secretary held the position for twenty-eight years and then was made Superintendent of State and Alien Poor. The assistant secretary held that position for many years, until appointed Inspector of Charities. The present president is in his thirty-ninth year of service. This is only one of many examples of how our best citizens have voluntarily served the people without

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compensation; and shows what may be expected when the political parties complete their present evolution.

The results of this change of method of administration of her charities has wrought a wonderful change in New York State. The county almshouses from being

“the abodes of the able-bodied, idle and vagrant, as well as nurseries of pauperism and crime for children,” have become “largely homes for the aged and infirm, furnishing also comfortable accommodations for the enfeebled and sick.”

In 1868, city and county almshouses averaged 15,000 inmates in all. In 1896 it was under 14,000, although the population of the State had almost doubled. The buildings were formerly badly constructed and arranged, out of repair and largely inadequate, without adequate provision for the sick or different classes of inmates, and with little provision for the proper separation of the inmates during the daytime. Such conditions inevitably

“served to sink the depraved still lower, and tended also to break down self-respect in the better class who, from sickness and other misfortunes, were compelled to seek public aid.”

All these conditions have been improved. In 1868 there were 1,222 children in the county poorhouses; in 1894 only 134, of whom two-thirds were under two years of age. In 1896 there were less than twenty-five children over two years of age in the city and county poorhouses, except in New York and Brooklyn.

The same causes which brought about the centralization of charitable institutions in state boards and officials, operated in the case of penal institutions. Originally detention was in the village lockup, or the town gaol,

under the control of the justices of the peace, who at first also held about all the civil trials; for few cases involved more than fifteen or twenty dollars, and the higher courts were few and far between. Gradually, county jails and county court-houses were constructed and more civil and criminal cases were tried in the county courts and also in the higher courts. The county jails were usually in charge of the county sheriff. In 1796, New York authorized the construction of two state prisons at New York and Albany, and in 1815 another at Auburn, but these were only for convicted felons, and were not used as places of detention before trial. Untried prisoners, whether charged with felonies or much lower crimes, were herded into jails, oftentimes with debtors, juvenile delinquents and others who were in fact not criminals. The buildings were old, inadequate, out of repair and unsanitary. There was little or no supervision, no long tenure of office among the officials, and no central correlation, coördination or control. A legislative committee examined the New York State prisons in 1876 and reported that the prison officers were appointed mainly through political influence, were inefficient, and that discipline was lax; that the prisons were much overcrowded and the convicts subjected to much abusive treatment. This brought about a constitutional amendment creating the office of Superintendent of Prisons, who was appointed by the Governor and given the management and control of all the state prisons. As the smaller communities developed into large cities, the county jails were in many cases turned into county penitentiaries, to which were sent not only convicts but also prisoners who were held for trial or for mere misdemeanors. In some cases the penitentiaries were authorized to receive United States convicts, and thus homi-

cides, counterfeiters, robbers and felons of various kinds were mingled with those who were not hardened criminals.

The New York Constitution of 1894 directed the legislature to provide a Commission of Prisons, which was much like the State Board of Charities. The Commission soon found that a large proportion of the convicts in county jails were not employed; that the period of detention thus became a vacation rather than a punishment; and that young offenders could thus listen to the stories of the older criminals and receive instruction in criminal ways. The Commission also found serious defects in the construction and keeping of the county jail buildings, which were old, unsanitary, in bad repair and overcrowded. One jail with seventy-two cells held five hundred prisoners. In many cases there was no system of separating different classes of inmates.

Under this new system there has been a great improvement in the state prisons, some of which are marked for removal to other and better surroundings. The conditions in county jails and penitentiaries have also been much improved. It has been sought to introduce modern methods of discipline and education; to give the inmates employment, which often teaches a trade or helps to assure honest employment after discharge; to make the institutions, so far as possible, self-sustaining; and in every way to have the good of the inmates and therefore of the people as the object in view. This is the very antithesis of prison conditions as John Howard found them a century and a half ago, and at least is a good beginning of government for the prisoners, who, after all, are the under-dogs—part of Marx's proletariat—and need the sympathy and help of the people.

Another form of centralization came in connection



with public health legislation. Plagues, pestilences and infectious diseases have always held a peculiar terror for our race, and it has been the custom from the earliest times to quarantine countries, cities or ports threatened with pestilence. In 1755, the New York Provincial Assembly forbade any vessel having contagious diseases on board to come nearer to the city than Bedloe's Island, where the Statue of Liberty now stands. In 1784 these provisions were reenacted by the state legislature, and ten years later extended to the whole State, with inspecting physicians at Albany, Hudson and New York. After a yellow fever epidemic in 1795, a health officer and seven commissioners of the health office were appointed to enforce the quarantine regulations, and New York City was authorized to make rules for cleaning her streets and removing offensive articles; but in 1797 these powers of the city were transferred to the State Board. Soon local boards of health were authorized in various places, although their activities were very limited. The first Asiatic cholera epidemic, in 1832, aroused the State to the need of a much more comprehensive scheme, and every city and the trustees of every incorporated village in the counties on Lakes Erie, Ontario or Champlain, or on the St. Lawrence or Hudson Rivers, or bounded on or intersected by any of the canals of the State, were directed to appoint a board of health and a health officer. The supervisors, overseers of the poor and justices of the peace, or the major part of them, in any town in the above counties were to be a board of health for such town, with directions to appoint a health officer. The trustees of any other village or the authorities of any other towns were given the right to assume like powers. It was afterward provided that all expenses should be borne by the city, village or town. Thus the administra-

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tion of public health was decentralized, and was not popular with the taxpayers, and hence soon became a dead letter.

A second cholera epidemic, in 1849, caused the former decentralized provisions to be somewhat extended. Yet after thirty years only about twenty of the 947 townships, and twice as many incorporated villages, had some form of sanitary government, but usually in a state of innocuous desuetude. The legislation up to this time had been merely to ward off epidemics, on the principle of

“When the Devil was sick, the Devil a monk would be,  
When the Devil was well, the Devil a monk was he.”

There was no broad recognition of the principle that the public health was a vital concern of government for the people.

In 1860 the vaccination of all school children was required, but the law was largely a dead letter because the enforcement of the law was left with the local school trustees. In 1864 the adulteration of milk was prohibited. In 1869 a general law for the drainage of swamp lands superseded the frequent special laws which had been passed at every session before that.

The conditions in the cities were somewhat better, being governed by the provisions of their charters, but the American Public Health Association, in 1872, showed that out of the twenty-four New York cities, New York City and Buffalo were the only ones which had any proper corps of assistants for the health officer.

In 1869 Massachusetts established a State Board of Health, and ten other state boards were established before New York followed the example ten years later. Her first legislation was faulty and limited, but the value

of the State Board soon became recognized, especially in keeping the local boards up to their duties. This resulted finally in a full system of vital statistics from all local boards, including the towns and the various local boards. Independent units have been coördinated, correlated and combined into a state system which, under a State Board, stimulates, advises and, if necessary, commands them. The State Board also has turned over to it the administration of certain penal and regulatory laws. Before the State Board was constituted, there were hardly more than fifty local boards, of which not over a dozen were efficient and active. Now there are over a thousand local boards, which almost invariably do good work. The general health of the State has been improved, tendencies to epidemics removed and sanitary administration in every way bettered.

This history in regard to the charitable, corrections and public health activities of our state governments illustrates splendidly the benign tendencies of American Democracy in contrast with Marx's theory of the proper place of the proletariat. Manifestly the 1,000 towns in New York State cannot be expected to provide for their poor, insane, defectives, delinquents and other submerged classes as scientifically or as satisfactorily as can the state or county institutions under strict state supervision. Our experience in charities and corrections also shows that these governmental functions cannot be safely or wisely entrusted to soviets or local councils of workingmen or soldiers or sailors.

We have had much to learn in regard to the best treatment of these classes, and much to unlearn of decentralization inherited from our English ancestors. However slow may have been our growth in better methods, it is plain that our ideals have constantly grown higher, and

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there has been a constant determination to work for the best interests of these classes rather than to continue the former methods of neglect and oppression. The policy of democracy has been one of uplift. It has sincerely asked "Who is my neighbor?" and, as never before, systematically and unstintingly played the part of the Good Samaritan. Our feeling and our practice as to organized charity has astonished the world, as we have relieved the sufferings of Europe and Asia during the past five years; but that effort at world relief is only the climax of a long course in charities and corrections which has marked recent years in our country's life, showing how American Democracy has attempted to relieve the distresses of its submerged tenth.

## XX

### HOW PURPOSIVE GOVERNMENT COMPELLED THE INTRODUCTION OF PUBLIC AND PRIVATE REGULATORY AGENCIES

**G**OVERNMENTAL regulatory agencies in the United States have increased rapidly in recent years, and are constantly assuming greater importance. They have taken six forms:—First: State inspection and certification of merchandise for export. Second: Restrictive statutes, followed by inspection and supervision of charities, corrections, education and other similar branches of purposive activities. Third: Regulation of big business through restrictive legislation, and later through examination and control by state or federal officials of the affairs of insurance and railroad companies, banks, public utilities and other private business. Fourth: Auditing and examining systems within the governmental machine itself in order to get better business results therefrom. Fifth: Associations embracing agencies exercising similar governmental functions in the States or the country. Sixth: Voluntary private agencies concerned with certain lines of charities, corrections, civil service, legislation or other governmental activities, which sometimes have been given limited supervisory and visitatorial rights. All these things make for better conductive and hence for better purposive government. Like civil service, they remove considerable parts of our governmental business from the control of corrupt politics. Furthermore they give us a needed scientific knowledge of each branch of that business, and thereby elevate our

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aims, give us better technique, and enable us to frame wise legislation. Thus modern and improved business methods, of a kind utterly unknown one hundred and forty-five years ago, are introduced into the governmental conduct, and its objects can be more easily and surely attained, and the oppression of the individual be prevented.

First: Even before the Revolution, the colonies had severally developed a considerable export trade in agricultural and forestry products, but there was the usual temptation to cheat the foreigner by unfair and wooden-nutmeg methods of marking, grading and shipping.

Discredit was thus brought upon all products shipped from that colony, and it became essential that goods for export should have an official certification to guarantee their quality and quantity in foreign markets. To this end the various colonies and afterward the States adopted more or less stringent rules for the inspection of beef, pork, butter, lard, flour, meal, flaxseed, lumber, staves and heading, pearlash, potash and other products exported under their name. Usually there was a state inspector general for each kind of product, with local inspectors. In the case of staves, heading and lumber, the local officials were cullers who actually sorted the material. These appointive and not elected inspectors were state officials, and furnished important political patronage. This form of state inspection gradually disappeared, its place having been taken by the United States in some classes of exports, but it has been extended to the official inspection and certification of fertilizers, some agricultural products and drugs, etc., for domestic use. These subjects have been sufficiently covered in Chapters XIII and XX.

The second form of regulation has been treated at length in Chapters XII and XIX.



The third form of governmental regulation was that of big business through restrictive legislation, and later through examinations and control, by state or federal officials, of the affairs of insurance and railroad companies, banks, public utilities and other private business.

Wildcat banking is one of the earliest and worst of the noxious weeds in a new or frontier country. Good banking is essential to modern commercial life, but under pioneer conditions almost any one feels competent to undertake banking, even if without experience or capital. One important Western banking business started with a cash capital of twenty-five dollars, kept in a whiskey barrel which was headed up every night.

One of the curses of our history has been bad banking systems, state and national, and a worse administration of what little system there was. We have gained our present practically safe banking conditions through more than a century of expensive experience. New York was one of the most conservative of the States; yet her experience with banks illustrates a history which was in many particulars very much better than those of the Western territories and States.

There was not a bank in the country in 1780. In 1781 the Continental Congress, at the suggestion of Robert Morris, granted a charter to "The President, Directors and Company of the Bank of North America" as a national bank. In 1782 the New York legislature attempted to give to this institution a banking monopoly in that State. Nevertheless, in 1784, the Bank of New York was organized, but not chartered until 1791. This was the bank of Alexander Hamilton, who controlled state politics at that time and bitterly fought the chartering of any other bank. Aaron Burr, who opposed Hamilton through life and finally killed him in a duel, tried

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for a long time to get a charter for a rival bank, and at last accomplished this through the incorporation in 1799 of the Manhattan Company to introduce water into New York City. At the end of this charter, Burr slipped in these apparently innocuous words:

“It shall and may be lawful for the said company to employ all such surplus capital as may belong or accrue to the said company in the purchase of public or other stock, or in any other monied transactions or operations, not inconsistent with the constitution and laws of this State or of the United States, for the sole benefit of the said company.”

Under this act the Bank of the Manhattan Company was started simultaneously with the company's water system, and became a rival to the Bank of New York. Thereafter it was sought to have at least one bank in each important business community, and twenty-three banks in all were incorporated on or before 1813, including banks at Albany, Buffalo, Catskill, Hudson, Lansingburgh, Mohawk, Newburgh, Troy and Utica.

As every bank was formed under a special legislative charter,

“The corruption of the legislature centered around the granting of bank charters. . . . New banks desirous of securing charters resorted to all sorts of devices to gain their ends. Stock was distributed to members of the legislature with the promise of an immediate market at a premium. In 1812, Governor Tompkins prorogued the legislature on the ground that corrupt practices had been employed in procuring the charter of the Bank of America. The legislative contests were between those who wished to enrich themselves by securing stock in the new banks and those who were already stockholders in existing banks, and who saw in the incorporation of new

banks rival powers which would result in a decrease of their own profits."

We find in the New York Constitution of 1821 one of the first endeavors to limit legislative powers and corruption by requiring the assent of two-thirds of the members elected to each house to create, continue, alter or renew any corporate charter. What was true of New York was largely true of many of the other States, where corrupt politics, as well as bad banking practice, invaded a field which should be one of trust, good faith and honesty.

This third form of governmental regulation has assumed three phases: Jefferson advocated the no-government-interference policy, or *laissez faire* theory that we should never become a manufacturing nation, and therefore should not have any business big enough to require regulation. He said:

"While we have land to labor, let us never wish to see our citizens occupied at a workshop or twirling a distaff. . . . Let our workshops remain in Europe. It is better to carry provisions and materials to workmen there than to bring them to the provisions and materials, and with their manners and principles. . . . The mobs of great cities add just so much to the support of pure government as sores add to the strength of the human body."

In the eighteenth century there were no steam engines, railways, large cities, factories or mines, and no big business, and therefore no need for government interference and regulation. The factory system was as yet unknown, and presumably the head of any industrial concern was also its chief mechanic. Even Hamilton believed, in 1792, that all the great manufacturing of the country could be centered at one place—at the Great Falls of the Passaic River, at Paterson, N. J.

The second theory was that governmental regulation should be used to help politics, corrupt or otherwise.

"The political party in power (in New York) made the distribution of the bank stock a part of the spoils of victory, and in order to secure to itself the advantage of this power, it became necessary to compel all banking to be done through chartered corporations. To this end, laws were passed in 1804 and 1818 which effectively prevented private banks from issuing notes."

There were many other instances where the parties in power caused restrictive and regulatory legislation to be passed which seemed to be for the benefit of the people, but which was in fact for that of the politicians and party and was so used by them.

The third theory took form after business had become big and tended to monopoly, which has always been a red rag to the English race, and especially in the United States.

The chief reason for this condition was the unrestrained growth of corporations and the inexcusably wicked abuses connected with the issue of their securities. Until recent years there were no organization taxes, and it was quite usual to capitalize at \$10,000,000 a mining prospect utterly undeveloped or a tract of alleged oil lands upon which not a well had been driven. In many cases little more than a printing press was necessary to issue corporate securities.

Another epoch-making change was the substitution of trust mortgages for plain mortgages, so that a single mortgage for, say \$2,000,000, secured equally 2,000 bonds of \$1,000 each, instead of only one bond for \$2,000,000. With two kinds of railroad securities—stocks and bonds of various forms, maturities and security—to work with,

the opportunities for speculation and investment were quadrupled, and the possibility of receiverships and foreclosure sales created. The 9,000 miles of railroad in 1850 had become 52,000 in 1870, a fairly steady growth of about 20,000 miles every ten years. But thereafter there came a sudden increase. In 1880, 93,262 miles were in operation, 9,416 miles under construction and 35,293 miles projected.

Another inducing cause to the evils of unregulated big business was the rapid growth of the railroad trunk lines. At first our railroads averaged about 30 to 50 miles in length. In 1854 it took a consolidation of twelve companies to form the New York Central Railroad with a continuous line from Albany to Buffalo and Niagara Falls, a little over 300 miles. After the Civil War, Commodore Cornelius Vanderbilt perceived that short freight hauls and frequent breaking of bulk were unscientific and wasteful. He favored the long haul of freight traffic, enunciating his well-known axiom in regard to passenger traffic (so often misquoted), "People (not *the* people) be damned; I'd rather carry hogs than people." In 1869 Vanderbilt consolidated the Hudson River and New York Central railroads into a through line from New York to Buffalo. He acquired the Lake Shore and Northern Indiana Railroad in 1873, and thus obtained a through haul without breaking bulk from Chicago to New York. The trunk line logically followed; and soon, the original Mohawk and Hudson Railroad, chartered in 1826, to run from Albany to Schenectady, had gradually developed and grown into the Vanderbilt System, which comprehends within itself at least 600 original railroad companies, with a total mileage of about 25,000 miles and over \$1,400,000,000 of outstanding stock and bonds as against the original capitalization of the Mohawk and

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Hudson Railroad of \$200,000. The New York, New Haven and Hartford Railroad is a consolidation of 180 companies, and the Boston and Maine of 200 companies; many of the original charters being still kept alive and nominally held under lease, traffic agreement or other working arrangement.

Following Vanderbilt's lead, the Pennsylvania, Baltimore and Ohio, Grand Trunk, West Shore and Erie railroads made through connections to Chicago. Long trunk lines were also extended toward the West, and then ensued the most unscrupulous and expensive railroad wars and competition to control the freight and passenger traffic, which was not sufficient to go around. Grain was once carried from Chicago to the seaboard for thirteen cents a bushel by railroad and six cents by canal. In one instance the freight rate for live cattle from the Missouri River to Chicago was eighty-one cents per carload, with free rides for owners and those who cared for the cattle. The railroads gave these low rates only between great competing points, and raised the rates to non-competing points, thereby causing indignation and losses throughout the country.

Commodore Vanderbilt will always rank among the first half dozen of the great financial, economic and transportation geniuses of the past century, but he was arbitrary in character and made one error from which the country has never recovered. He gathered about him some of the best lawyers of his time and instructed them to make litigation so expensive and vexatious that those having claims against him and his railroads must settle upon his own terms. This policy was unblushingly announced by his counsel in forcing settlements. The Commodore was so strong a personality and his policies were usually so far-sighted and successful, and he lived



in such a formative period in the history of stock corporations, that most of the large companies, and especially the railroads, adopted his litigious plan as a matter of course, and thereby brought a terrible curse upon themselves and all their fellows, whether guilty or not. For a time this plan was successful, because it was not understood; but after a while the corporations found that they had become Ishmaels, with every man's hand against them in legal proceedings and otherwise. Juries rendered one kind of verdict against a human defendant and one much more severe against these legal persons who spent huge sums in attempting to make a travesty of the law. Corporations soon found that their soulless course, which they had chuckled over at first, had turned into a Nemesis which met them at every turn. Some time ago a large trunk line system was paying in certain States about three and one-half per cent. of its gross yearly receipts on trivial damage suits, which would not have been commenced against individuals. Thus the corporations were the real authors of the hue and cry subsequently raised against them.

It was natural that this Vanderbilt plan of employing a large corps of skilled lawyers should lead the railroads to go further and attempt to control corruptly the state and local governments and the courts. The same methods were followed by the street railroads and other public utilities. When they became powerful they immediately sought to own their city governments and local judiciary. In the earlier and unregulated days, Wall Street conditions were far worse, though in a smaller way, than those set forth in Lawson's *Frenzied Finance*.

Because we had no distinct conception of the place in our governmental scheme of the purposes of the government, there was no rallying cry to prevent the growth

and spread of these corporate evils, which affected and debauched the whole body politic. Wall Street was used to float watered stocks and carry out wild, unscrupulous and often fraudulent stock deals. As usual, the people, who held the bag, were the main sufferers, and had some memory, although not a very long one. After 1873, almost one-half, and in 1893 and 1894 over two-thirds of the railroad mileage of the country, built by the people's money, were in the hands of receivers. After the panic of 1873, the Granger movement was formed, largely to meet the inequalities of railroad rates and to protect the farmers against oppression and corruption. Out of these conditions came our first railroad regulatory laws, which were almost paltry in their conception. Afterward, as the people grew stronger, they began to get back at the railroads in a decidedly uncomfortable way, through state railroad commissions which undoubtedly worked great and unfair harm to the trunk lines. This was especially true of the West, where much litigation arose as to the respective rights of the States and the Federal Government, and the United States Supreme Court reversed itself on several occasions in attempting to lay down broad, fair and adequate rules of law.

Finally, all parties were glad to take refuge in the Federal Interstate Commerce Commission, which has done remarkably well in fostering and extending purposive government in one of the most intricate fields of human endeavor. The fixing of railroad traffic rates involves more than forty elements, including value of traffic, cost of construction, climate, different kinds of products, grades, competition, terminals and other like items. Evidently no legislative body, with a constantly changing personnel, is fitted to understand or act upon such problems, which may change from year to year or month to month,

and which require the finest and most detailed specialized knowledge, and absolute honesty and fairness. The Interstate Commerce Commission requires each year very complete and detailed reports upon blanks which its experts, in connection with those of the railroads, have devised. Thereby the railroads themselves have learned many things in regard to their own traffic and other conditions which they had never suspected, and at the same time it has been possible to safeguard the public interests by an actual official statement of what the railroads were doing and might be fairly asked to do.

Because of a like failure to understand the purposeful side of our governments, we have run much the same gamut in regard to the regulation of banking, insurance, public utilities and other great financial and economic interests. There was at first legislation as to what the corporations might or might not do, and long afterward public commissions or bureaus with authority to find out what the corporations were doing, and thereafter legislation giving authority to make sure that the corporations kept within the law. As a necessary corollary of this expert collection and analysis of corporate transactions and doings, it is possible to recommend to the legislature, and have passed through the influence of public opinion, far-reaching and scientific legislation to meet or check existing evils and to prove up the work and returns of the corporations themselves. It is also an undoubted fact that the present governmental supervision and control of railroads, public utilities, banks and insurance companies has stabilized financial and economic conditions for these corporations, largely removed them from politics, cut out unwise and destructive competition, and given them a scientific knowledge of their own business needs and purposes. This has enabled them to meet constantly chang-

ing conditions while receiving a fair and stable income from their operations, and has furnished the basis for further wise legislation. This has made their securities more and more safe and increased the public's belief therein, and has made it possible for the corporations to meet most of their needs by obtaining further capital at fair terms. This change has come about almost entirely during the present century, and is now accepted as good business, as well as good government, and constitutes one of the greatest examples of the benefits of government for the people.

As early as 1804 and 1818, New York State began to legislate to prevent losses to note holders through bank failures or through over-issue of bank paper, but about all that the legislature could do was to insert in each new charter provisions designed to correct abuses which had arisen. These were reenacted in the Revised Statutes of 1830, providing that banks were limited in owning real estate or trading in goods or stock; that directors must be elected and qualified in certain ways; that capital stock must be registered; that the total debts must not exceed three times the paid-up capital; that dividends must not be paid except out of profits, and many other provisions which are now recognized as good banking. In 1827 annual reports to the comptroller were required. Between 1791 and 1825, forty-three bank charters were granted in New York and only eight of these banks failed, which was a pretty good record for those times. New York early provided a safety fund system for the security of the note holders, and the loss in this way through New York banks has been almost negligible. Wildcat banking prevailed in the South and West, and when the bank notes of New York and some of the other Eastern States were selling at par, similar notes of the

western and southern banks could be gotten all the way down to fifty cents on the dollar. Some unscrupulous employers did not hesitate to buy these depreciated notes and pay their employees with them. Cheating in pay, which was prevalent in many lines and reached its height in connection with anthracite coal mining, was one of the chief and most justifiable causes for the formation of the trade unions.

The fourth class of regulatory agencies has been those of the auditing and examining systems within the governmental machine itself, in order to get better results therefrom. As improved business methods were introduced by the large corporations, the insufficiency of governmental auditing and accounting and the need of examinations of its financial and other transactions became painfully evident. The United States Treasury Department has general control and audit of most of the finances of the other departments. The state and city comptrollers perform much the same functions. As far as possible, the red tape has been cut out and complete auditing systems introduced.

The fifth form of regulation is found in the associations which embrace agencies exercising similar governmental functions in the States of the country. The centralizing under state departments of the functions formerly exercised, if at all, by the road district, school district, town poor board or other small local unit has tended to efficiency, economy and rapid development, and made it possible to do the work scientifically and upon a broad and humanitarian basis. These state boards grow in scope, power and usefulness as the years go by. The original New York State Board of Public Charities was organized in 1867, and the text of its first report in 1868 covered a page and a half octavo, a large part of which

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was occupied by the names and addresses of the commissioners. The Board's report in 1916 consisted of four octavo volumes of 4,255 pages in all. This gives a fair illustration of how this kind of work is growing throughout the country.

Not only is there coöperation in each State between similar interests, but the state and municipal boards and other officials of the several States and sometimes of the nation, coöperate with and educate each other and thereby improve the work of all. Thus we find national associations and annual conferences, held all over the country, of state and municipal executives, of banking, insurance and railway department heads, of comptrollers and accounting officers, of civil service, charity, correctional and other state commissioners, of port authorities, of state, county and city highway officers and engineers, of chiefs of police and fire departments and of sanitary and health officials. We may soon expect that every kind of state or municipal board, bureau, department or official will be thus organized into national, state and even district or local conferences and associations. These all make directly for the general welfare, especially since so much of our governmental organization and so many offices are thereby removed from the hungry maw of corrupting party politics.

The sixth form of regulatory agencies is quite unique and is only quasi official. Many voluntary private agencies concerned with particular forms of charities, corrections or other governmental activities have been given limited supervisory and visitorial rights. Thus local or general charitable conferences have been given the right to visit charitable institutions, both public and private. Societies for the prevention of cruelty to animals and to children have had conferred upon them some official



duties or privileges. Bureaus of municipal research have aided good government by exposing attempts to get around the laws, or by suggesting desirable legislation. Private associations, without definite authority to intervene, have watched over the performances of official duties in their own particular lines. Great hospital, medical and public health associations have done good work. The American Federation of Labor and other labor associations have cared for the rights of labor. Societies for municipal improvements, community betterment, playgrounds and parks, have improved conditions in the cities. The National Education Association and associations for helping the blind and otherwise aiding education have wrought many reforms. The Anti-Saloon League has succeeded where the Prohibition Party failed. The National Red Cross, Y. M. C. A., Y. W. C. A. and other like agencies have done work not heretofore dreamed of.

The New York directory of charitable and welfare associations contains almost 10,000 names of institutions. It includes hospitals, dispensaries, libraries, museums, Y. M. C. A., Y. W. C. A., churches, homes and asylums of all kinds and other social welfare agencies, and embraces national, state and local associations. The social welfare units of New York City available for listing in a directory thus number almost 10,000, and are all helpful to good government, promote the general welfare and aid in securing the blessings of liberty to ourselves and our posterity. More and more these various unofficial agencies are coming together into county, city, state and national conferences or associations. More and more they are being recognized as helpful in promoting government for the people, and as increasing the happiness of the people, through their attention to social welfare, which is largely the basis of such happiness. Less and less do

government officials consider these social welfare units as interlopers. More and more their essential—even if unofficial—functions in the body politic are being recognized.

This supplementing of commission government with privately conducted agencies working along the same lines is a distinct and beneficent step forward in our purposive government. There are hundreds of these private activities, each of which has aided in its own line the cause of good government and government for the people. These private agencies serve to stir up public interest in their own subject and locality, and thus in all good government; and at the same time act as a check upon the official organizations. More and more as our government takes on the commission form, these agencies will grow in power and their helpful influence will be felt. They will serve as governors to regulate the machinery of purposive government. They represent the endeavors of patriotic citizens, with kindred spirits, to aid good government as individuals. The great governmental agencies may be considered as the chief organs of the body politic—the heart, lungs, stomach and liver—while the private agencies are the humble but vital pores of the body politic and essential to its good health.

In our democracy the growth of these unofficial and local associations has come almost entirely since our government took on its present commission form. It was not feasible for such associations to work in the olden days where there was no consolidation of particular interests in a single governmental department, or where, in case of such consolidation, the head of the department was a mere political appointee and its personnel was not protected by civil service. After the charities, corrections, education, public utilities or other public interests have

been consolidated under a commission or bureau or department, whose head is out for a record of efficiency and whose working force are trained men and women protected by civil service, it is possible for private and local associations to become acquainted, in all its ramifications, with the work of the department in which they are interested. Such associations can and do help to get through good legislation and foster its wise application thereafter; and this is very important as government for the people grows constantly more complex and scientific. They thus form a nucleus for a body of public opinion which steadies the work of the department itself, and educates and interests good men and women who often join that branch of the public service—to the benefit of the government and the people.

## XXI

### THE ADVANTAGES OF CONSTITUTIONAL CHECKS AND COUNTERCHECKS IN GOVERNMENT BY THE PEOPLE

**T**HE wonderful smoothness and non-revolutionary manner in which we have been able to revolutionize the powers and duties of our executives, judiciary, legislatures and political parties have come from the splendid set of fly-wheels with which our governmental machinery was equipped from the beginning. Prior to 1775, and for a while thereafter, we were enthusiasts for the equality of all men and as to their undoubted ability to manage themselves and their own affairs. This honest belief we incorporated in the preambles to our Declaration of Independence and of our first state constitutions. Then followed the heartbreaking years of the Revolution and the worse years between 1783 and 1789, in which our political, financial, economic, social and legal systems and our entire plan of government seemed a failure, even to some of its best friends. The plan was not at fault, but only our handling of it; but we did not appreciate that at the time. It seemed to be demonstrated, as claimed, that democracy could be successfully applied only to a small country, and not upon a large scale. Men had not had a chance to study the working of democracy in a country of large size, and when we tried the experiment, chaos and anarchy followed for a time. After the treaty of peace in 1783,

"The forces of disintegration and disunion began their fatal work. . . . By 1785 the central government had literally fallen to pieces, shattered by the blows received from the jealousy and particularism of the individual States. Between the States themselves there was a feeling of hostility that resulted in the restriction of trade by the imposition of unfriendly tariffs."

It was after twelve years of this chaos and anarchy, in May, 1787, that our ablest political thinkers met to form a United States Constitution. During these years their faith in democracy as a basis for a strong and trusted national government had been rudely shaken. They believed that the real difficulty was with democracy itself, which must be a failure unless controlled by the severest checks to prevent the people from running wild whenever they chose. Gerry asserted that "the evils we experience flow from an excess of democracy," and that the people were "the dupes of pretended patriots"; that he had been "too republican heretofore"; that he was still republican, but had been taught by experience "the dangers of the levelling process." Randolph traced the evils of the day to "the turbulence and follies of democracy." John Adams, afterward our second president, expressed his distrust of democracy, and divided the people into "gentlemen and simplemen," and would have had the "gentlemen" formed into an aristocracy or possibly into a hereditary nobility, "as the surest way of obtaining recognition for the virtue and talent of the community." He condemned rotation in office as "a violation of the laws of mankind." He said

"We may appeal to every page of history we have heretofore turned over, for proofs irrefragable that the people, when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous and cruel as any

king or senate possessed of uncontrollable power. The majority has eternally and without one exception usurped all the rights of the minority."

He insisted that the people were jealous, exacting and suspicious to the last degree, and not only demanded outward submission to their commands, but could not endure even a mental dissent from their will. They

"will not bear a contemptuous look or disrespectful word; nay, if the style of your homage, flattery and adoration be not as hyperbolical as the popular enthusiasm dictates, it is construed into disaffection, the popular suspicion is aroused, and their fury breaks out into every kind of insult, obloquy and outrage, . . . Mankind in general had rather be rich under a simple monarchy than poor under a democracy. . . . All projects of government founded upon a supposition of continual virtue, sagacity and firmness of the people when possessed of the exercise of supreme power are cheats and delusions."

Gerry and Adams had signed the Declaration of Independence eleven years before, and Gerry became vice president in Madison's term as president.

It was evident at the Constitutional Convention, and thereafter when an attempt was made to have the Constitution ratified by the States, that there had grown up throughout the country much sympathy with Adams' expressed views as to the unreliability of the people unless they were controlled by strong constitutional checks which could not be broken. Therefore, our United States Constitution shows how these men were determined to put the brakes upon unrestricted democracy by the framing of the most complete system of constitutional checks and counterchecks ever ordained by a sovereign people to restrain themselves in the conduct of their affairs. These checks were expressly framed so that that government



might run true to its purposes and objects, and so that anything like Bolshevism or the I. W. W. would be rendered impossible.

Some of the checks and counterchecks, acting in different ways, at different times, or upon and between different parts and functions of the government, are:

(a) *The Federal Government against the States, and the States against the States.* Under our theory, the States still have all the sovereign rights which they took over from England in 1775, so far as they have not given them up to the Federal Government. The States do not hesitate to assert constantly these sovereign rights. The insistence upon States' rights largely brought about the Civil War, where men sacrificed their lives by hundreds of thousands to support or overcome this theory. We have forty-eight States, each differing very materially, externally and internally, from the others, each with a different state constitution and operative government, each with a will of its own, each inclined to assert its own rights and not brooking any interference therewith; the rights of each recognized by the nation and its fellow States, and each a check upon the Federal Government and upon each other.

(b) *The different terms of service in our government.* The members of the House of Representatives are elected for two years, the President for four years, and the United States senators, one-third every two years for a six-year term, with a tendency to reëlect indefinitely. Many congressmen have served from six to twenty or more years consecutively, and hence are conservative. The United States judiciary are elected for life or good behavior. So that, as a general thing, there can be no sudden reconstruction or overthrow of our government. At times this has seemed an unbearable condition, but in the long run

has proved a great safeguard against hasty and unwise action.

(c) *The House of Representatives against the Senate.* There has always been much jealousy between these two bodies as to their respective rights and importance, and the conflicts between them have done much to save us from some bad mistakes, and have made us conservative when the present tendency was decidedly radical and irrational. Each house has a power of veto over the other, which has been exercised in thousands of cases, even after the houses have attempted to settle their differences through conference committees.

(d) *The President against the Congress.* Our Presidents do not hesitate to use their vetoes, especially where one or both houses of Congress are of a different political party from the President; but Congress can and has passed laws over the President's veto.

(e) *The judiciary against the House of Representatives, the Senate, the President and the state governments.* In no other of the greater nations of the world are certain acts of the legislature and executive absolutely subject to veto by the judiciary, and no year passes when some of the actions of their coördinate departments are not overruled by the United States Supreme Court or the lower United States courts. Often several years elapse between the enacting of a law and the passing upon its constitutionality by the United States Supreme Court, and during that time all parties have had a chance to cool down and to accept with equanimity the decision of what they believe to be a wise, honest and disinterested umpire.

(f) *The Senate against the President in respect to appointments to office and in respect to treaties.* Almost all appointees proposed by the President are submitted to

a rigid examination by the Senate before confirmation, and quite frequently appointees are rejected. It is no slight matter for a President to have an appointment turned down as improper, and this tends constantly to improve the grade of men submitted to the Senate for confirmation. Every treaty must be approved by the Senate, which, through its Committee on Foreign Relations, largely composed of the oldest and ablest senators, keeps in close touch with the office of the Secretary of State and with our foreign affairs. It represents the permanent treaty making body in our government, since it does not change every four years, but has had a continuing existence for one hundred and thirty years.

(g) *The permanent officials, staff and employees of our great departments against Congress and the President.* A large part of the conduct of our government is now concentrated in great departments or bureaus, headed by a staff of permanent and experienced experts, in the management of whose affairs Congress does little more than make appropriations. Without using the word in a slurring way, we are becoming more and more a government of departments and commissions, each with its own history, policy, esprit de corps, method of work and clientele among the people. At the same time, each department has to ask annually for an appropriation, submit its report of operations and expenditures to the President or Congress, and may be abolished or changed by law. Thus we are saved from the danger of becoming a bureaucracy, while keeping a proper check upon the government.

(h) *The people against their representatives of every grade, except the federal judiciary.* In our frequent elections the people have a constant check upon the conduct of their elective officials, and can completely over-

turn the government, if they wish, within two or four years. This is different under a parliamentary government; but it is a grave question whether, with universal suffrage, it is not desirable to make quick and impetuous action impossible. Our officials are pretty sensitive to public opinion, and most of them have their ears close to the ground to hear the tramp of any hostile army of electors marching in their direction.

There were some other important checks in force in the first years of our government which have since been abolished. The same theories of checks which apply to the Federal Government apply also in the main to the state governments, although there the judiciary usually are not elected for life or good behavior, but for long terms. In some States there is referendum and recall, which may put in new officials in a very brief period, and in some States may negative the acts of the legislature.

Thus the people of this great and experienced democracy are not left entirely to their own devices, but are like the ordinary individual, who needs to have certain laws over him, even if they are not often invoked. The people themselves have established these checks. They have not been put upon them by a kaiser or a czar or any other potentate. Yet it would be impossible to get the people to remove these constitutional limitations, which on the whole have worked wonderfully well and have saved the nation's life on many, many occasions.

Universal manhood and womanhood suffrage is now being established throughout the world. In a very dangerous manner this is putting the destinies of most nations into the hands of enormous masses of ignorant and untrained voters, who are quite unfitted—from our standpoint—intelligently to manage their own affairs, and who are certain to become the dupes of demagogues, or else

be deprived of their votes by fraud or force. Our own history has its own unerasable illustration of this law of politics. When the North gave the ignorant negroes the ballot after 1865, it also forced the carpet bag state and local governments upon the South, and thereby the subversion of law and social order. The educated and dominant classes of the South restored order and law through the unlawful anarchy of the Ku Klux Klan and by illegally depriving the negroes of their votes. This was one of the few revolutions in history, from the top down, to restore law and order, and therefore it was legitimized and made permanent by decisions of the United States Supreme Court.

How complete are the electoral changes which are taking place in all democracies can be well illustrated in the case of England. About 1788 Alexander Hamilton stated in *The Federalist* that the English House of Commons had 556 members, of whom one-ninth were elected by 354 persons, and one-half by 5,723. This was the climax of the rotten borough system in England.

One hundred years ago, the proportion of persons who could vote in England was.....	1 in 40
In 1832, by the addition of the middle class, this was increased to.....	1 in 24
After 1867 the working classes in towns were made voters and the polls were open to.....	1 in 12
By the act of 1884, agricultural laborers were enfranchised and the ballot given to.....	1 in 7
The law of 1918 added 8,000,000 new voters or 2,000,000 men and 6,000,000 women, of whom 5,000,000 were married—a registry of.....	1 in 3

This gives England a new democracy and a government of the people, which will assuredly soon lead to full government by the people and thereafter for the people, unless Marxism intervenes and makes it government of and by and for the proletariat. A like change in the

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nature of our own electorate has been in progress since 1789, and we must wisely meet the altered conditions which will follow. This also removes any excuse for a social revolution such as Marx advocated seventy years ago.

It is a grave question whether European parliamentary government will be a safe form of government where universal suffrage prevails and there are not the checks and counterchecks of a revered and cast-iron constitution. The English Parliament gained its power under a monarchy where less than one person in one hundred could vote and where the legislators were drawn from the finest lot of freemen in the world. In those slow days, such a parliament was not likely to be swept from its feet by any sudden popular clamor. Modern conditions and the modern electorate are entirely different from those under which the English parliamentary system was developed. Nowadays there is nothing stable in regard to a European cabinet. A single powerful newspaper may overturn it in a day; a breath of unwarranted popular disfavor may blow it away. The multiplicity of parliamentary parties often makes it impossible to get a majority except by bargaining and wire-pulling. This militates against a strong, trusted and stable government which is a prerequisite for purposive government. With universal suffrage it is perfectly evident that no European parliamentary democracy can get as satisfactory results as we have out of our government of checks and counterchecks, and of fixed duration under a written constitution to which the people bow until they see fit to change its provisions.



## XXII

### CHANGES IN THE FUNCTIONS OF THE EXECUTIVE WROUGHT BY THE GROWTH OF PURPOSEIVE GOVERNMENT

**A**T the date of the Declaration of Independence the proportion of the old-fashioned English and colonial operative government to purposive government was about 1,000 to 1. To-day it does not exceed 1 to 4 or 1 to 5. In other words, the relative amount of ruling government to purposive government has changed from 1,000 to 1 to less than 1 to 4. Such a change in the operations and outlook and demands upon our political institutions must necessarily have involved a corresponding change in the instrumentalities by which those governments were carried on as well as new methods of using the old instrumentalities. This change is like that which has taken place in ocean transportation during the same period. We still carry freight and passengers by ships, but the size of the largest vessels has increased from 200 ton wooden sailing ships to 50,000 ton steel steamers.

The changes of our old-fashioned governments to rule the people into those engaged in the business of helping the people have entirely changed the functions, powers and duties of the executive and legislature; have produced a new form of judicial functions which, in a sense, is more important than that of the ordinary law courts; and have made the political party a mere shell of what it was, and already clearly indicates what its functions are to be in

the near future, in connection with purposive government. These changes in these four agencies of government are fundamental and radical and will be considered in order.

Our colonial forefathers regarded the governor of the colony either as a miniature of the English king, or as his direct representative, or, in some colonies, as the representative of the proprietor to whom the King had conveyed his rights over the colony. On the contrary, the legislature was elected by the people and therefore was presumed to represent their wishes. The governors had the power of veto which was often unscrupulously or unwisely used by dishonest or hot-headed men. The only check upon these governors arose from the fact that the amount and payment of their salaries were usually dependent upon the vote of the legislature, which thus held the purse-strings. Nevertheless as we read our colonial history we cannot help feeling that the life of a colonial governor sent out from England was not always a happy one; and often without any fault of his. Too often the governors were expressly directed to enforce unpopular royal behests or to veto too radical legislation, and thus became the scapegoats in the colonial governmental troubles.

This feeling against the governor was carried through from colonial times to statehood times. All governors, royal or state, looked alike to our fathers, who thought that none of them could be trusted very far; that real safety lay in the legislature which was elected annually, and which, therefore, represented the people better than the executive or the judiciary could possibly do. The first state constitutions greatly restricted the powers of the governor and amplified those of the legislature. The New York Constitution of 1777 (twelve years before the United States Constitution became effective) fixed the

governor's term at three years and made him the general and commander-in-chief of the militia and admiral of the navy of the State. Otherwise, he was practically a figurehead, with no power of appointment, even of the militia officers under him. The power to sign or veto bills was vested in the Council of Revision, composed of the governor, chancellor and Supreme Court justices. Except the few named in the constitution, all ordinary local and state officials were not to be elected, but were to be named by a Council of Appointment, consisting of four senators, with the governor as president, but with only a casting vote. The Assembly was annually to appoint, openly, these four senators, who were eligible for only two successive years. A majority of the Council was a quorum. All military and other officials, whose terms were not fixed by the constitution, were to be appointed at the pleasure of the Council. Sheriffs and coroners were to be annually appointed, but not for more than four consecutive years. Officers of the higher courts and attorneys were to be named by those courts. In 1821 the Council appointed 8,285 military officers and 6,663 civil officers and justices of the peace—14,948 in all.

Thus a majority of the dominant party in the Assembly, through its selection of the Council of Appointment, absolutely controlled the political and military patronage of the State, without regard to the rights of the other parties, or the majority of the Senate, or the executive or the people, from whom even the power to elect their ordinary local officials was taken and vested in a political clique of the legislature. This neat little plan, in force for thirty-four years, would be very acceptable to any state boss to-day. Yet these constitutional provisions were proposed and adopted in absolute good

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faith by a convention dominated by some of the strongest statesmen in New York's history; and their repeal was strenuously opposed by Chancellor Kent. But can any better plan be imagined to insure, sooner or later, a corrupt political ring? The same distrust of the executive prevailed in the other States.

How far this has been changed is shown by the report of the Reconstruction Committee of New York State above referred to. Of the 190 state offices, boards, commissions and other agencies into which they have tabulated the state government, seven are appointed by the legislature; fourteen are *ex-officio*; seventeen are in part *ex-officio* and in part appointed by the governor; fifteen are appointed by the governor solely; and sixty-seven are appointed by the governor with the consent of the senate; while two are appointed by the Court of Appeals; and for fifty-six others there are other methods of appointment. The committee's report makes recommendations that the state government be organized into sixteen departments, each headed by a single officer, except where the nature of the department requires a board; that the governor be held responsible for good administration, and, therefore, have power to choose the heads of the departments, who are to constitute his cabinet and be held strictly accountable to him through his power to appoint and remove, and through his leadership in budget preparation. There are to be only two elective administrative officers; the governor and a comptroller, to act as independent financial auditor. The governor's appointees are to be confirmed by the Senate. The governor is to be elected for four years and the terms of department heads are usually to end with his term. The responsibilities of each department are to be centralized in an accountable chief. The preparation of the annual budget is to be vested in

the governor and his cabinet, with full responsibility for presenting to the legislature each year a consolidated budget containing all expenditures which in his opinion should be undertaken by the State and also containing a proposed plan for obtaining the necessary funds. The right of the legislature to increase items in the budget or to enact other appropriations is to be restricted, except on recommendation of the governor, who is to have power to veto items or parts of items. Special appropriation bills after final action on the general appropriation bill must secure the specific means for defraying the appropriations carried therein. Thus we are coming to realize that our governments are business propositions, requiring a cabinet somewhat resembling a board of directors. Business is business, and the state business should be more so than any other.

But this is not the only change in the executive functions of our governments. Each executive department is given enormous quasi executive powers and duties never thought of in the early days of the English monarchy, but resembling the executive affairs of any great business, and indispensable now that our governments have become business concerns, exercising functions in regard to their business which affect the ordinary citizen in every stage of his existence—from the lying-in hospitals to the state board of embalming examiners.

A like fundamental change in powers and duties has been just as evident in regard to the President of the United States and his ten cabinet officers; and also in many of the large cities where there have been repeated efforts to centre responsibility in the mayor, with or without a small cabinet—all to promote business rather than political efficiency.

## XXIII

### CHANGES IN THE FUNCTIONS OF THE LEGISLATURE WROUGHT BY THE GROWTH OF PURPOSEIVE GOVERNMENT

**W**E have reversed our original theory that the chief power in a democracy should be exercised by its legislature. Our experience has taught us that nowadays most of the so-called legislative functions relate to the administration of the various kinds of business in which the government is engaged. These require long experience and specialized knowledge for their successful handling, just as much as these would be required if the same businesses were carried on by private corporations. In our Federal Government Congress has simply emptied itself of these powers, without any change in the Constitution, because it was found that it could not safely or adequately do this administrative or purposive work.

In the States this tendency has been embodied in frequent and drastic changes in the state constitution. The New York State Constitution, in curtailing the powers of the legislature, requires, among other things, that the conduct of elections shall be largely under bi-partisan boards (a belated constitutional recognition of the political party as a direct agency of government); forbids private or local laws changing names of persons, affecting roads, highways or alleys, draining swamps or other low lands, locating or changing county seats, incorporating villages,



providing for election of supervisors, affecting grand or petit jurors, creating, increasing or decreasing fees, percentages or allowances of public officers during their terms of office, granting to any corporation, association or individual the right to lay railroad tracks or any exclusive privilege, immunity or franchise, or exemption from taxation, or auditing or allowing any private claims or accounts against the State. The legislature must pass general laws for these and other cases which, in its judgment, may be provided for by general laws. No private or local bill can embrace more than one subject, to be expressed in its title—thus preventing “log-rolling.” No existing law can be made a part of an act except by inserting it in such act. Two-thirds of all members elected in each house must assent to every bill appropriating public monies or property for local or private purposes. The passing of appropriations and tax bills or incurring debts is carefully guarded, and the legislature is to confer upon the supervisors of each county certain powers of local legislation and administration. The Constitution also provides directly for many important state departments, and that

“appointments and promotions in the civil service of the State, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive.”

None of these limitations, which cut out at least ninety-five per cent. of the powers of the legislature, were contained in the first constitution of New York, and they show the State's progress, not in liberty, but in the business of securing the blessings of liberty to its citizens, present and future.

Thus we have adopted a decentralizing centralizing policy. We have decentralized by reducing, limiting and transferring the powers of Congress and the state legislatures. We have centralized by conferring on state departments or officials the powers and duties formerly exercised only by private persons or local authorities, if exercised at all. Some of the results of this policy are very evident. Prior to 1847, New York chartered most corporations by special act, but thereafter passed general corporation laws under which various kinds of corporations might get charters by filing certain papers with the Secretary of State and the county clerk, and by paying certain nominal fees. From 1777 to 1913, inclusive, 56,793 separate statutes were passed in New York, of which 4,472 granted special charters to corporations—mostly prior to 1847—and with constant scandals. Under its general corporation laws the administrative officials—not the legislature—of New York State granted charters to over 38,000 corporations between 1811 and 1891, inclusive, and to over 99,000 between 1892 and 1913, inclusive, and thereafter granted charters at the rate of 1,000 a month. The incorporation of these by special acts of the legislature would have added about 140,000 more special charters or statutes, and as many more amendatory or extension and other acts, and have given that much more patronage to the political parties. Even cities and villages are incorporated under general laws which provide standardized forms of charters.

Another startling change brought about by the enormous growth of purposive government with government ownership, control or supervision has been the equally enormous growth in the size of our annual budgets and of the relative importance therein of the appropriations for purposive government. Nowadays the chief peace time

functions of our Congress and legislatures are to pass the annual appropriation bills, and especially those which relate to purposive government. Almost everything else can wait, but not the regular or emergency or sundry appropriation bills.

In New York State the appropriations for purposive functions have grown in 140 years from nothing to eighty per cent. of the whole. The first annual appropriation act of New York State comprised about two pages octavo and covered only sixteen items of appropriations for legislative, judicial and executive officers; that is, the strictly old-fashioned operative functions. The regular appropriation act of New York State for 1918, 140 years later, covered 446 pages, and over 11,000 separate items, exclusive of the emergency and deficiency act covering twenty pages and about 400 items and the Supply Bill of twenty-two pages and about 225 items, with some other reappropriation and minor appropriation acts. About twenty per cent. of the 11,000 items under the main appropriation act were under the headings of "executive," "administrative," "judicial," "legislative," "penal" and "defensive" (operative government) and the remaining eighty per cent. under the headings of "regulative," "educational," "agricultural," "curative," "charitable," "protective," "conductive," "canal funds" and "general" (purposive government). As a matter of fact, many of the appropriations for the operative departments related to purposive functions. The federal and city governments show an equally startling growth in appropriations, especially those for purposive government. Thus the budget of New York State grew from \$25,306,126 in 1899 to \$110,447,336 in 1918, and the budget of New York City from \$93,520,082 in 1899 to \$248,108,487 in 1919. No better measure of the relative growth of pur-

positive government can be found than a careful analysis of the recent appropriation acts of New York State.

Neither Congress nor the legislatures have much to do with the actual running of the various purposive branches of the government, which go along much more smoothly and effectively when the legislative branch is at home; but which would stop if there were no appropriations. Therefore the framing and passing of wise and satisfactory appropriation or supply bills has now become the chief function of the legislative branch. This is recognized even by the legislatures and political parties, for the ways and means or appropriation committees are usually considered the most important in the legislative body, and their chairmen are usually its ablest and most experienced members. Frequently, as in the United States House of Representatives, the chairman of the Ways and Means Committee is the majority floor leader.

This also emphasizes the urgent need of a proper budget system, which would be of great value in showing how far and how fast purposive government could be safely and wisely extended. As the appropriations for the purposive functions have become the most numerous and important, and as these cover highly specialized general welfare departments, presumed to be under the charge of specialists who are dealing scientifically with purposive functions, it is evident that the old-fashioned slap-dash methods formerly used in making appropriations are no longer adequate or safe.

The present tendency is to place in the hands of the executive and his cabinet the planning and preparation of the annual budget and of the sources of income to provide for the budget expenditures.

Alongside of the ordinary and well recognized legislative functions there have grown up in the executive de-

partments a very much larger and relatively more important mass of quasi legislative powers and functions. Every one of these purposive departments is given the right to make its own rules and regulations which are in nature quasi legislative and usually do not require the approval either of the executive or the legislature. This simply means that these departments are doing business like any other business concerns and must do this under recognized rules and regulations which cover the internal details of its working and also its relations to outside interests or persons who have dealings with it. Thus the responsibility is put upon the officials managing the business and not upon some other branch or branches of the government. This radical decrease in the powers of the legislature has correspondingly decreased the influence and opportunities of the political parties and has, to that extent, transferred the functions formerly exercised by the parties to the department, board or commission interested in any particular subject.

## XXIV

### CHANGES IN THE FUNCTIONS OF THE JUDICIARY WROUGHT BY THE GROWTH OF PURPOSEIVE GOVERNMENT

**T**HE constitutions of the original States provided substantially for a court for the trial of impeachments and the correction of errors and for the continuance and preservation of a judicial system based on and substantially like that of England. This judicial system has been continued in the main throughout the country, with the addition of local or city courts which have usually been given greater and greater powers as the city grew in size and importance.

But alongside of this old-fashioned and well known judicial system there have grown up well recognized quasi judicial powers which already overtop the work of the ordinary courts.

The enormous financial, economic, social and human interests put under the control of our national, state, city and local purposive agencies have necessitated the conferring of equally novel and extensive judicial, legislative, executive and administrative powers upon these agencies which can never be safely exercised under any government which is of, by and for a class or a potentate.

Thus the steam railroads of the United States represent the grand circulatory system of the country. They directly affect the life of every one, affording support to one person in every ten. Their employees, as a class, have a higher average income than any other class, includ-



ing doctors, lawyers, clergymen or teachers. Outside of real estate, our largest single investment is in railroad securities, which are chiefly held by the banks and insurance companies, which, in turn, hold a large part of the people's savings. Yet in the main, the administration of these roads and of many kindred interests is under the regulation and control of agencies of the people, the United States Interstate Commerce Commission and the forty-eight state railroad or public utilities commissions, which scrutinize every act of these great and small corporations. The national and state banking authorities supervise and control all national, state and saving banks, trust companies and other financial institutions, of which there was not a single one in the country in 1780. The New York Insurance Department alone supervises companies having over \$7,000,000,000 of assets and \$30,000,000,000 of insurance in force, and similar insurance departments exercise much the same sort of supervision in forty-seven other States and in the District of Columbia, Alaska, Philippine Islands, Porto Rico and the Panama Canal Zone. Charitable and public health and other like purposive agencies exercise control over even more intimate human interests.

Manifestly such agencies would be absolutely ineffective and powerless if they were not practically self-operative, with independent powers, which require no appeal in ordinary cases to the legislature, the executive or the courts. Therefore we have endowed these purposive agencies of the people with more or less extensive legislative and judicial powers. They may make and change their own rules and regulations. They have a roving commission to examine into the books and affairs of the concerns under their control. They may take evidence in their own way, make independent and vital decisions

from which there is no appeal, and enforce their own mandates. Their decisions, strictly judicial in nature, may affect the railroad, banking, insurance or other financial, social or human rights of every person in the country, be based upon evidence of their own and others' acts, and be enforced by their own mandates. Many of these departments are also self-sustaining, and in some instances their income from fees is many times their total expenses.

Looking the facts squarely in the face, we find that many of these purposive business agencies have, and require for effective results, unregulated and star chamber powers which would have made the English Star Chamber green with envy. It is self-evident, and all history shows it to be true, that such undreamed of powers can be safely committed only to an agency of a government of, by and for the people. Or in the words of the Declaration of Independence, the same people which instituted the government can reorganize its powers whenever and however it becomes necessary to effect the safety and happiness of that people and to preserve the unalienable rights of life, liberty and the pursuit of happiness.

For centuries the people of European monarchies have been fighting against the granting to and the exercise by any department of their governments of similar almost autocratic legislative, executive, administrative and judicial functions; for such exercise in any class government has always been followed by political oppression. This is as true of class-hatred Marxism and Bolshevism as of class-hatred Prussian autocracy. Yet unconsciously eighty per cent. of the American democratic government has come to be exercised through purposive agencies which are largely a law unto themselves through their power to regulate their own operations by self-made rules and reg-

ulations, to arrive at judicial decisions through self-contained and self-regulated judicial procedure and powers, to enforce their own mandates, and to supply their own exchequer by fees which they themselves prescribe—and all largely free from political party control.

Our history proves, therefore, that the safety and happiness of the people, the promotion of the general welfare and the securing in the present and future of the blessings of liberty, require strong, trusted and stable governments of, by and for the whole people through the accelerating increase and improvement of purposive government. It also proves that this requires the complete transformation of the legislative, executive, judiciary and political party as they existed or were understood 140 years ago, and the transfer of a large proportion of their former functions to the new purposive agencies of to-day.

To effect such changes has required all the idealism for which the American people is noted. In the light of our experience it is perfectly evident that Prussian Marxism, with its materialistic advocacy of class hatred and social revolution and subversion of society could not or would not have furnished a safe and sure road to successful purposive government and the safety and happiness of the people.

## XXV

### CHANGES IN THE FUNCTIONS OF THE POLITICAL PARTIES WROUGHT BY THE GROWTH OF PURPOSIVE GOVERNMENT

OUR brief sketch of almost a century and a half of our federal, state and local history gives us at least a broad view of how and how far our national, state and local governments have fulfilled the objects of their creation. Considering all things, and especially considering the low level of governmental theory and practice throughout the world in 1776, and the astonishing strain put upon our English ideals through having to absorb and attempt to Americanize over 30,000,000 alien immigrants and their native-born descendants, we have made a wonderful success in our development of government of the people, by the people and for the people.

Our failures, which have been unnecessarily large, have come chiefly because from the beginning we have been cursed by narrow, partisan and even corrupt and rotten party politics, and because these have been made possible and inevitable by the people's own failure to recognize the true place and power of parties under our purposive government. In other words, the people themselves have failed to realize the fundamental fact that the chief thing about a government is its end or purposes, and that the means to that end are comparatively unimportant so long as they are fully regulated to preserve the liberty of the people, individually and collectively, and to secure to them and their posterity the blessings of that liberty.

Our forefathers did not foresee that our government was in fact to consist of three official branches, the executive, legislative and judiciary, and one unofficial branch, the dominant political party. Often the three official branches were mere pawns in the hands of the fourth or of its ruling spirits. So long as party politics and the Spoils System dominated them, our governments could not run true, and many periods of their history can best be studied through that of the political party in the saddle at the time.

Even where our parties and our practical politicians have not been corrupt, their paltering and picayune attitude has too often had a paralyzing and deadening effect upon the prospects and view-points of good men who otherwise would have grown into statesmen and a like effect upon good measures which otherwise would have been passed for the general welfare. It has been very unfortunate that in a government of, by and for the people, the term "practical politician" has had a constantly lower meaning in the public mind and that the word "statesman" has been less and less used or thought of. Something is wrong when the secret nod of a party boss has more power in purposive government than the counsels of a dozen of our best and most disinterested statesmen. We ought to outgrow and disprove the cynicism of Thomas B. Reed, with his genius for clearness of thought and expression, that "a statesman is a politician who is dead."

Because our forefathers did not foresee the ultimate importance and even dominance of the political party, they made no provision for it in their plan of government or in their constitutions. Because the political parties were thus unrecognized, uncontrolled and utterly unregulated officially, their whole aim was lowered, their

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power to do good seriously lessened, and their power to do evil enormously increased. During the first hundred years of our history our parties rendered important and necessary services in aiding the people to understand and decide fundamental questions which were wholly or chiefly political in their nature, and party leaders were greatly honored. With the growth in relative importance of purposive government, the functions and duties of the political parties have changed in the same manner as have those of the executive, legislative and judicial branches, and new quasi-political-party functions have been evolved.

Our governmental history divides itself into three fairly distinct periods: aristocratic or formative; plutocratic or expansive; democratic or general welfare, with government more and more by executive commissions or departments.

Until the Civil War, our Federal Government was essentially an aristocracy, with a limited electorate and controlled largely by the slave magnates of the South with the aid of the trucklers of the North. During this period Congress was the chief branch engaged in solving the novel political questions involved in putting our democratic political machinery into working order. Upon the federal judiciary fell the duty of construing, from political standpoints, the very indefinite words of our United States Constitution so as to make it a workable instrument. The courts had to determine whether under the Constitution we were to be a weak confederacy or a strong nation, and what were the powers, duties and limitations of the Federal Government as a whole, and of its executive, legislative and judicial branches in particular. The people, the courts and the political leaders utterly failed to see in a broad way that the nation was



blindly endeavoring to carry out the purposes expressed in the preambles of the Constitution and the Declaration of Independence. Important questions were not always construed upon their merits, but upon their probable effect upon the policies and politics of the day and of the future. The constitutionality of each important step forward was sure to be attacked in the courts by one party or the other. During these years, by the ever growing threat of a disruption of the nation itself, the centrifugal forces in our midst tended to weaken all broad attempts to promote the general welfare, and finally compelled us to settle by the War of the Rebellion, and forever, the questions of States' rights and slavery. During this period, therefore, while there was a life and death struggle as to the nature and extent of the political powers of our government, the purposeful application of those powers was largely impossible. This was also the formative period for the political parties themselves, which had not had time to develop scientific and complete organizations, but devoted most of their time and efforts to evolving and making clear to the people the great policies which concerned the very structure of our constitutional and political government. The poison of corrupt party politics had begun to work, but its evil effects were not relatively very great compared with the immense importance of the constitutional and political questions involved.

From 1865 to about 1900, we developed distinct plutocratic tendencies, with Congress in the saddle, enacting legislation under which we exploited our natural resources, enormously increased our private and corporate wealth and expanded in every direction. The scandals and crimes of these years brought their own antidote in trust-busting and wealth-baiting, which, with present and prospective war taxes, now seem likely to make the

Irishman's prayer sound reasonable: "God help the rich; the poor can beg." It was the age-old experience of the race, whereby the misdeeds of a few miscreants were imputed to all the innocent and law-abiding members of their own class, who were thus unjustly put upon the defensive. For this reason, capital and wealth, which with us have been in the main idealistic and entitled to the greatest credit for the growth of our purposive governments and of other good works, have been unjustly held up by the Marxists as malefactors who were particularly hostile to the laboring classes and the poor. This period also was shadowed by the extreme sectional feeling engendered by the Civil War and intensified by the evils, blunders and crimes of Reconstruction forced upon the South by the North. Politics became more rampant and corrupt than at any other time in our history. When every other expedient failed, questions of good government could be largely side-tracked by the political cry of the Bloody Shirt, which did not lose its efficacy until laid at rest forever by that far-sighted and sweet-souled politician-patriot, McKinley, and by the Spanish-American War. Party organization was highly developed, but as it was largely under the saloon influences of the cities, it could not be expected to be partial to purposive government.

In the third period, or since about the beginning of the present century, our federal, city and state governments have in essence become more and more vast business enterprises conducted by various departments, commissions, boards, bureaus and other officials to secure to the people the blessings of their political liberty. The power of the legislative branch has been constantly decreased, and the actual operation of the government placed in the hands of agencies whose official heads are largely ap-

pointed by the executive, but whose working head is usually a non-political expert of great experience, who stays on through succeeding administrations, like the permanent under secretaries in the English government, and whose working forces are protected by civil service.

The first step in the reconstruction of the political parties was taken when, by the restriction of the legislative powers, the chief nerve centre of political corruption was largely paralyzed. The next step came by placing most of the personnel of the departments under civil service rules, leaving only the temporary chief and his immediate assistants as executive appointees. Thereby the habit of expecting great party spoils with each change of administration was largely done away with, and the department was given a quasi-political-party power in selecting and appointing the new members of its staff from among candidates eligible under civil service rules.

Hence, where civil service is in force, a new head of a department and his political sponsors no longer regard his functions as principally those of chief headhunter for his party. Usually he now seeks to make a better record than his predecessors in purposeful accomplishment rather than in political appointments. Great departmental heads like to have it said that in their administration certain important policies or reforms were instituted or much advanced. This also implies an improvement in business methods and stricter business regulation of the operations and agencies within the department itself. These supervisory and auditing powers check extravagance and wrong-doing, and raise the morale and aspirations of the department.

Furthermore, this government by departments, headed by officials appointed by the executive, has been watched, guarded, expanded and improved by thousands of out-

side voluntary and private agencies, which, intelligently and in a spirit of good citizenship, touch the government every day and at every point, and tend further to eliminate politics; and thus to better administration, and to conserve the public and social welfare.

The people have already done much to take the navigation and piloting forces of the Ship of State out of party politics. It only remains for them to complete the good work in a way worthy of the Declaration of Independence. What has already been accomplished may be well illustrated by the example of New York State. Its constitution provides that

“All laws creating, regulating or affecting boards or officers charged with the duty of registering voters, or of distributing ballots at the polls to voters, or of receiving, recording or counting votes at elections, shall secure equal representation of the two political parties which, at the general election next preceding that for which such boards or officers are to serve, cast the highest and the next highest number of votes.”

The outstanding fact is that here is a belated but distinct recognition in New York's constitution of the existence of political parties and of their official participation in the operation of the government. In its election laws New York has gone farther in this recognition. It has taken away the printing and distributing of the ballots from the parties, and has prescribed the form, marking, distribution and counting of the official ballots. It has said what party conventions and officials may or may not do, and how their primary elections shall be conducted for them by the State. It has forbidden the parties to do certain things; has placed new duties in their hands; has regulated their expenditures; has compelled them and

their candidates to file sworn statements of their receipts and disbursements; and in many other ways has officially recognized that they have a place in our government by the people, alongside of the executive, the legislature and the judiciary. The same processes have gone even further in the other States.

These constitutional and legislative provisions for the control and conduct of the affairs and activities of political parties were forced upon the people by the outrageous corruption of party politics; by rings and bosses; by the bartering of franchises, contracts and offices; and by the exploitation by the machines of vice and criminals. Accordingly and of necessity the people came to feel that the parties had fallen from their high estate in the periods of our history when the right decision of fundamental political questions was a matter of life and death to the nation. Another step taken by the people has been the passage of the Eighteenth Amendment to the United States Constitution to eradicate the political influence of the saloons. We may be sure that increasingly the people will complete the work which they have begun, and take the parties out of corrupt politics, and allow them to do only the work of agitation and education, which is the only work for which they can now be safely used.

Thus during the past generation, we have earnestly sought to eliminate political party control over the non-political functions of our business for the people. This has proceeded much further than we realize. It has been brought about by the growth of purposive government and the consequent fundamental changes in our constitutional and operative governments. (a) Any severe curtailment of the legislative powers correspondingly curtails the power of the dominant political party. (b) The introduction and honest administration of civil service al-

most entirely removes the appointment and control of civil servants from the political party. (c) The growth of commission government tends to fix the responsibility for its success directly upon the executive who appoints the heads of the commissions, and thus becomes most interested in efficiency rather than in politics. (d) The corruption of our city politics has been attributed to the baleful influences of the saloons; and the people have determined to destroy the breeding places of the corruption by blotting out the saloons under the Eighteenth Amendment. (e) The general growth of better business methods in private and public corporations makes the people understand that politics and business do not mix well and therefore the parties are discredited. (f) The parties have tried to serve two masters, the people and Mammon, with the usual results. (g) Because the parties themselves have not perceived that the purposes of all our governments have radically changed, the people have passed them by, and are putting their great reforms through by means of non-partisan agencies; such as the Anti-Saloon League, Women's clubs, American Federation of Labor, National Civil Service Reform League, etc., etc. (h) Because the political parties have failed to understand and assume the wonderful place and functions which await them in our purposive governments they have become thoroughly discredited in their present form and by being thus discredited have lost their former power and influence and are thoroughly on the defensive. Unfortunately the people are fast coming to feel that no good can come out of such a Nazareth. Every day's delay will make it harder for the older parties to regain their former power and usefulness, and render the success of a new party more likely.

To succeed fully in this development of our federal and



state efforts for the general welfare, the people must have a clear vision of the undoubted fact that to serve the new order of things the parties themselves must recognize that they must devote more and more of their time and thoughts to purposive government and less and less to partisan politics, and must be clean and high-minded and helpful in securing the blessings of liberty.

This is not so difficult or so radical as it seems, for if our governmental activities have become eighty per cent. purposive in their nature, the activities of the parties must undergo a like proportionate change, or else the people must devise some other means of getting their purposive business done. As a matter of fact the work has already been begun, the people and the times are ripe for such a change, and many far-sighted party leaders would welcome it. They would be glad to have the name of "party leader" turned from a term of reproach or askance to one of honor and acknowledged public service. They would be honored to be in the class of the two greatest politicians that ever sat in the White House; self-made men, without a word against their private lives, with wonderful memories for names, faces and facts, with great political and social problems successfully faced and met. Our two martyred statesmen and Presidents, Lincoln and McKinley, were at the same time our most wonderful examples of the American politician—politic, democratic, patient, personally beloved, incorruptible, with their thoughts centred on the people's welfare and how their administration might serve it best.

We must approach from the right standpoint the subject of taking the political parties largely out of politics and putting them on the higher purposive plane. We must not do the parties injustice nor forget the invaluable services which they and some of their leaders have ren-

dered to the people. Political parties have always been and must continue to be a necessary part of our governmental scheme. As a strictly democratic nation composed of forty-eight different and differing sovereign States, we get and require more political education and agitation to the square mile and per annum than any other country in the world. Politically, we are organized into one nation, forty-eight States, about 3,000 counties and tens of thousands of towns; yet more than half of our population is gathered in cities which have independent and distinct governmental powers and problems of their own. Each of these territorial units has a recognized and official place in our scheme of government, and the voters of each require their own education and political agitation to enable them to deal wisely with national and state problems, and also with those peculiar to their own locality. To keep our whole governmental machine up to 100 per cent. of its theoretical objects, every territorial unit, even down to the most insignificant school or road district, should also be kept up to 100 per cent. of its theoretical objects.

To maintain such a governmental machine running at its full capacity to fulfill its purposes as laid down in the preambles of the Declaration of Independence and of our first state constitutions is a man-sized job and worthy of the best that is in any man or set of men in the country; provided always that the man's object or purpose is the welfare of the people, and not merely that of his political party and its success at the next election.

Right here is to be found the essential, great and even splendid place for our political parties in our governments of, by and for the people. They are to educate and organize the voters, down to the smallest units, on the subjects which the people must decide for themselves in

a wise, far-reaching and once-for-all way. Because there are so many new questions constantly requiring attention, we cannot afford to have the old ones come up a second time. One of our wisest historical students said that "the American dog does *not* return to his vomit," and illustrated this by showing that no question which has been the chief subject of the education and agitation of a presidential campaign has ever again become a live issue within the life of the same generation, no matter how much was done to revive interest in it in later campaigns. Going back only over recent years, we find as unresurrectable issues such questions as the immediate payment of the Civil War debt, resumption, civil service, greenbacks, populism, 16 to 1. We are a busy people and our government is the biggest and busiest in the world, and we have no time to thresh out dead issues. We accept more absolutely, and with less hesitation than any other country, an election decision of great political issues which will change our nation's history. No matter what may have been the excitement of a national election, we have almost forgotten about it within forty-eight hours after the actual decision is definitely known. Yet the agitation and education of one of our national campaigns more than equals that of all the elections in the rest of the world for the same year; just as we are the larger half of the world in many other respects. This makes it all the more necessary, however, that our first decisions shall be correct and based upon an adequate political agitation and education, so that they will not need revision. The agitation should bring a question to the attention of all the voters of the smallest territorial units, and the education should bring the merits of the question to the level of the humblest voter, whose secret ballot has a numerical value equal to that of the President's.

From this standpoint our political parties have been vital elements in our political progress. In their systematic and intelligent agitation of and education about vital political questions in our history, we see the reason for their existence. Because they have had and have an enormous work to do, which in the main they have done remarkably well, and because they have been the best means which we have yet evolved to do this part of our governing, we have kept them on the job notwithstanding their manifold failures, faults and misdeeds. There will always be ground for honest differences of opinion in regard to the political and purposive policies which we should pursue, and if we will honestly read our history, we will find that in looking into the future the masses have more often been right than the classes. At any rate, from now on the masses are going to hold the political control, and it is a necessity for the classes that the masses should be wisely educated. It is the minority, with something to lose, that is the most interested in a guaranty that wise laws shall be made and executed; that no snap judgment shall be taken; that demagogues do not run away with the people, who, after all, are often more open-minded and concerned in the general welfare than the aristocratic and conservative classes. The discussion and agitation of governmental questions is many times more constant and open in the East Side than on Fifth Avenue. Every step in our upward and democratic progress during the past one hundred and thirty years has been accompanied by the wail of the conservatives that the nation was going to the dogs.

Reform in our political situation is no longer merely advisable or desirable. It is absolutely vital if we are to meet and overcome the power of Bolshevism, the I. W. W. and other disintegrating forces, chiefly growing

out of Prussian Marxism, which threaten the very life of our democracy. These forces have their centre and life in our great cities, and largely in the so-called slums of those cities. At the same time the lowest depths of our rotten and unwise saloon politics are reached in the same localities. Such politics serve to make the slums worse and the lot of the poor therein harder. Simultaneously they take away the respect and love of the people for their governments and laws, and make them ripe for revolt—not so much against law as against the whole social order which fails to grapple with and overcome the slum problem. Thereby the ground is prepared for social revolt which is much more comprehensive than political revolt. The ideals, the purposes of our American Democracy can never penetrate into the miasmatic clouds which hang over the dark and wretched places of the great cities, unless there is a radical change in the governments of those cities and in the purposes of the parties which control those governments. Furthermore, these ideals and purposes cannot be expected to enter into the daily lives and thoughts of the poor and oppressed, unless this is one of the conscious purposes of our city governments, and of our upper classes and of our political parties.

It is not surprising that a Russian Jew, arriving in the ghettos of this country and ignorant even of our language, cannot understand how political conditions here are greatly different from those in his native land. Here, as there, in his daily struggle for a bare existence, he feels the profiteering and sweating oppression of those of his own race and others who take advantage of his ignorance and his lack of organization, and he sees the working of corrupt party politics. He hears our wonderful purposive governments denounced as wicked and oppressive. Far

too many of our recent immigrants have been outrageously exploited after their arrival and cannot be expected to notice much difference between the idealism of democracy and the materialistic oppression of autocracy. Nor is there any question that all of us have suffered in the last fifty years from the evils of plutocracy and urbanitis and frenzied finance; that these evils have often been real and terrible in the daily lives of our lower classes; and that it will take our united wisdom to solve them and sweat them out of our system. The workers and all the rest of us have had many valid causes for complaints against some well muckraked phases of our capitalism; but far more against Marxian Socialism.

In the early days the town meeting was the primary political unit, and the basis of the county, state and national government. To-day the election district in the slums of our great cities is too often the primary political unit through which are elected a large proportion of our state assemblymen and senators and our congressional representatives, United States senators and presidential electors; and the yellow journal which most widely circulates in these slums and the foreign language newspapers are the most powerful mediums for forming public opinion therein.

If the East Sides and slums of our large cities are the great breeding places and pest holes of anarchy and social and political revolt, it is because these places are largely the result of our own toleration of saloon party politics in those cities and of our failure to clear up corrupt politics, and rule our cities in the best possible way and in the highest purposive fashion. Therefore the existence of these pest holes and of the anarchy and evils spreading from these slums is our own fault and shame, and not those of the oppressed poor who are compelled to live



in those slums. Thus they are open to the worst Marxian doctrines, because neither we nor they have understood the true purposes of our democracy or have worked together for the safety and happiness of this proletarian class. We must not forget that the great underlying principle of the Declaration of Independence is that these very men, women and children are created—not born—equal with the rest of us; that the pursuit of happiness is one of their unalienable rights; and that all our governments which touch them—city, county, state and federal—were instituted to effect their unalienable rights; and that

“When any form of government becomes destructive of these things, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.”

In other words, the Declaration of Independence lays down the rule that if our present governments cannot, because of unnecessarily corrupt or ineffective party politics, clean up the conditions in our cities in which more than half of us live, then the people may overthrow the present forms of governments, and try the experiment with other forms. It is well to keep this fundamental truth always in our mind, and to realize that if American Democracy has proved or shall become destructive of the people's rights, they may change to a soviet government. But we have also proved that American Democracy has not proved a failure or destructive of the people's unalienable rights; but we must make this clear to every voter in our land.

Thus the words and the spirit of the Declaration of

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Independence are a direct indictment of our present course in allowing corrupt governments in our cities, and convict us—and not the people oppressed by our failure to act—of treason against our own democracy because we will not rise in our might and first disinfect and then remove the pest holes of corrupt party politics which are preventing the true spirit of American Democracy from carrying out its great purposes, and effecting the safety and happiness of the great masses of people who live in city slums and ghettos.

Our political parties are now generally organized upon an army basis, with a national chairman and committee at the head, then the state chairmen and committees, and below them the county, city and town and other local committees, leaders and workers. Such an organization is admirably fitted to agitate and educate from the top to the bottom, and to serve as a nerve system to carry to the head the wishes and needs of the lowliest voter. As our purposive governments seek more and more to serve the people, they become more complicated, and the people are more and more in need of big brothers; and it is this feature which has kept our greatest single political organization in power through good repute and ill repute for several generations.

The real and continuing strength of Tammany Hall is on its human side. Its army is magnificently organized from top to bottom, but covers only the Borough of Manhattan, and not the other four boroughs of the City of New York. Under its chairman is its executive committee of thirty men and thirty women, one for each assembly district. Under these are about a thousand men and a thousand women district captains, one each for every election district. It also has a general committee of about 11,000, or one committeeman for every ten

democratic voters at the last election for governor. There is a club house for each assembly district, which is the headquarters for that district. The district captains are presumed to know what is going on in their districts, including every worthy case of need or distress. Every district leader is the big brother of every one in his neighborhood, in whose midst he may have grown up in straightened circumstances. With him poverty and distress are probably old acquaintances and know no party. He will help any one who is respectable and has lived a reasonable time in the district. Actual need caused by sickness or the unavoidable idleness of the bread winner is a sufficient reason why the club funds should furnish half a ton of coal, or a month's rent to avoid dispossession proceedings, or meet any other pressing need—even to paying the funeral expenses of an old resident.

When the military draft of 1917 was put into force and many bread winners were taken into the army, Tammany at once set its splendid organization to seek out and relieve any cases of distress caused by the draft, and it has ever since cared sympathetically for all those disastrously affected by the war. Speaking before the New York City Conference of Charities, Professor Charles A. Beard, president of the New York Bureau of Municipal Research, asserted:

“Indeed, we may say in New York City that Tammany is our greatest social service agency, and it holds its power because it understands sympathetically the needs and trials of the masses. Its district leaders help to keep out of prison many who have committed trivial offenses. They give drink to those who are athirst and bread to those who are hungry. They ask no questions and they fill out no pink and green cards. Their office hours are not from ten to four, but continuous. I am not defending Tammany, but explaining Tammany.”

The *Outlook* said, on July 31, 1918:

“If a child is injured in the street and sent to some hospital, the human hand of Tammany reaches out to see that the child is cared for; that the mother is admitted to his presence; that her fears are calmed. Is it any wonder that Tammany has a grip on the hearts and the votes of the simple plain people, native and foreign born, in the crowded tenements of the metropolis?”

Notwithstanding the misdeeds of Tweed and a long line of wrong-doers who have done Tammany harm, Tammany has kept its control over the voters because for 365 days in the year its greater and lesser leaders go among the people, unostentatiously doing what they can for them in a human way. Therefore they do not have to worry about the votes of their friends on election day. Indeed, if corruption and partisan politics could be taken out of Tammany Hall, it would serve as an ideal party model for the rest of the country, because it probably gets nearer than any other political organization in a strictly human way to the daily human needs of the dwellers in its bailiwick.

These complete and scientifically run parties cannot be conducted without large funds, which are furnished by voluntary subscriptions in part. Too often, however, they have been raised by levies on office holders, candidates, corporations, and especially public utilities corporations; by the promise of favorable contracts; and worst of all by party revenue derived from the protection of saloons, gambling and vice in every form. So long as this is possible or necessary, corrupt politics cannot be kept out of our parties, nor wholly out of the executive, legislative and judicial branches. Why not admit that two and two make four?

Artemus Ward used to say that it would have been ten dollars in his pocket if he never had been born. What would it have been in dollars and cents alone to the people of the United States—to say nothing of common decency and honesty and good government—if corrupt party politics had never been born or dominant among us? From now on our chiefest purpose must be to bring our political parties up to a higher level so that they shall “tote fair” and do their fair share, with the executive, legislative and judicial branches, in enabling our purposive agencies to promote the general welfare and secure the blessings of liberty to ourselves and our posterity. Our corrupt practices acts and our other election laws are steps in the right direction, but they should be extended and amended so as to take corrupt or small politics out of the political parties and out of every other part of our government; and this should be done with only one object in view—an increasingly better government of, by and for the people. No one could root corruption out of the body politic like a reformed and regenerated political party.

Our parties having thus become one of our educational agencies in regard to the conduct of our governments, corrupt or picayune partisan politics belong in them no more than in our ordinary educational departments, or in our agricultural experiment stations, or in many other educational and enlightening purposive agencies at Washington and in our States, which are so closely connected with our daily lives.

As a government becomes increasingly an ever present business instrumentality for good in the daily lives of its people, they realize that its chief purpose is not the winning of the next election, but the expanding and development of its purposes, and there is at once a broader

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meaning given to "the people" in the minds of the voters. One who has had some hard problem on his farm solved by direct appeal to the Government, or who has been able to send a sick child to the country in search of health, wishes to have his neighbor or intimate friend take his troubles to the same benign benefactor; and thereafter the winning of the next election by corrupt or criminal means becomes less desirable or important, and the general welfare grows into a living issue.

Our surest way to knock out partisan, class and corrupt legislation and government is to make all the people appreciate that their governments are vast and complicated business enterprises, constantly undertaking novel functions, but working in an orderly way; and that these will be as much upset by disorderly interference on the part of the voters or some of them, under the name of a selfish or corrupt political party management, as a train schedule of the Subway would be upset by a mob that should interfere with the orderly running of its trains.

We should have far more publicity as to what the purposive branches of our governments are doing and striving to do for the people, and this might well come in part through the party organization; and then men will understand that outside and uninformed interference with the actual running of our complicated governmental machinery is like throwing a monkey wrench into any other machinery.

The problems which the people are facing after the war in speeding up their government to reach 100 per cent. of its objectives are innumerable and of the most difficult and intricate nature. Their solution can be reached only when the people, so far as possible, lay aside every encumbrance, put every obstacle out of their path, use only the best instrumentalities to achieve success, and



ruthlessly abolish any corrupting influences which encourage doubt as to the necessity or purposes of the government itself. Too often the people have believed that the rich and powerful were living on the government and not under it. There has been too much justification for the claim that this is a government for the plutocrats, the bosses, the classes, the corporations and for those who were willing to pay to be allowed to exploit the people. These arguments are doing much harm with our proletariat in our large cities. Our notions of the rights, powers and procedure of the political parties must be entirely revamped, so that the people may be sure that their parties are constantly becoming better and more powerful aids in working out the purposes of our governments, rather than the thoroughly discredited agencies which are now considered only necessary evils.

## XXVI

### THE NATURE OF PURPOSEIVE GOVERNMENT BUSINESS

**T**RUE government *of* and *by* the people, the authoritative and operative functions, must come through constitutions and laws which insure the *political* rights of all citizens.

On the contrary, government *for* the people, the purposive function, is not so much a question of statute as it is of wise and efficient application of good business judgment and practice to obtain the blessings of democratic liberty. The question is not one of political right, but of how far it is wise and safe and desirable at a particular time to set up some department of the government in lines of business which possibly neither it nor any other government has ever before undertaken successfully, or in which it may have to compete with private interests which for centuries have been carrying on and developing those lines of business. Usually a dispute on the extension of purposive government is not a question of political right, but of business expediency; and we must always be very careful that it does not degenerate with us into a mere political question.

Men who look into an uncertain business or political future are perfectly justified in differing honestly and without heat as to the results which will be obtained from setting in motion certain unknown forces, or from the application of well-known forces to new uses or in new ways in governmental business. This is really a differ-

ence in business or political judgment, and not in political creed; and very probably is also based upon a well-justified distrust of our past and present methods of handling our political parties. In other words, because setting the government up in a new form of business for the public good belongs strictly to its business functions and not to its constitutional or political, it has many aspects about which men may honestly differ as to whether, under all the conditions then and there prevailing, the government can do the work at all or do it better than individuals. In doing this men need not differ as to other questions which are constitutional or political in their nature.

Public and private business, while generally resembling each other, have some striking and fundamental points of difference which it is not necessary to discuss here; but there is a difference between the statutes defining the powers of conductive and purposive government which we should understand.

There are certain kinds of laws which fix what men shall or shall not do. Each year the criminal law adds to the list of things which are made crimes. Because, as our civilization grows, the right of the many demands that the rights of some shall be curtailed, year by year we fix new limitations upon the right of the individual to do what previously had been lawful. This is the old-fashioned government to rule and control the people. But there is quite a different class of statutes which are intended to help the people and promote the general welfare. In this latter case a government takes over some activity or business, appoints by statute a department or bureau to have charge of it, and then leaves its subagent to make a success of it.

*E. g.*, a state assumes the care of all its insane asylums,

and then trusts to the officials of the proper bureau to wisely and humanely administer this great charity. The United States authorizes its Post Office Department to organize and pay a powerful secret service staff, in the belief that this staff will not abuse its powers, but will act only for the safety and happiness of the people.

Those examples well illustrate the difference in the purposes and contents of statutes which seek to rule the people (government by the people) and those which seek to help the people (government for the people). This also shows that a successful purposive democracy must be founded on and carried out by a strong, trusted and stable government acting without regard to class, and increasingly entrusting its operations to trained and public-spirited officials who work under a well-managed business organization. Anything of this kind is plainly impossible under Marxian Socialism which sets its children-breeders (proletariat) against every class above them. The altruism necessary in the successful operation of a government-operated purposive business under a democracy can never be engendered under a dictatorship of the proletariat. The statutes under which these rights are given are not mandatory, going into the slightest detail, but permissive and really altruistic and humanitarian. We give a government bureau or department powers never before dreamed of, and trust that the personnel and business system to be developed thereunder will be sagacious, honest and trustworthy; forgetting that all this is government ownership and control, paternalism and collectivism; and not realizing how grotesquely impossible this would be under the class hatred theory of Marxian Socialism.

This can be put in another way. There is little discretion allowed in our operative government which is

chiefly controlled by carefully drawn statutes, which distinctly define the things to be done and how, when and where they shall be done. But purposive statutes define very few things, and leave almost everything to be successfully carried out under the quasi executive, legislative, judiciary and political party functions of the department and through the wisdom and good faith of its employees. Hence the personality, honesty and efficiency of the official are relatively more important in purposive than in operative government, and must be fostered and made permanent by civil service and every other helpful means.

## XXVII

### THE INHERENT WEAKNESSES OF MARX'S POLITICAL THEORIES

**M**ARXIAN Socialism has been honestly believed in by so many well-intentioned persons, here and abroad, that we should seek for its inherent weaknesses, and not merely denounce it. Rabid socialists are past masters at billingsgate, and we will do well to stick to solid arguments in which we are impregnable. We are bound to show clearly that Socialism, if applied, means the death of the ideals for which American Democracy has always stood.

Upon analyzing Marx's theories we find that they come under four distinct heads:

(a) Constitutional: The source of authority of his government was to be the proletariat, the lowest class in the state, the children-breeders. This would substitute a single class in the place of the whole *people* as the source of authority, although the wrongs and the nature of the proletariat of Prussia to-day are very different from what they were in Marx's times.

(b) Operative: As a working hypothesis, Marxian operative government necessarily takes the form of violence and social revolution from the bottom up and of the worst possible kind. It conducts the government through a dictatorship of the proletariat, which, in effect, consists usually of a constantly fighting coterie of forceful cranks, criminals and schemers who are in temporary power under the revolution. The underlying thought of



this branch of the government is Prussian class hatred rather than American democratic idealism for the whole people.

(c) *Purposive*: Marxism also works out into soviet or other small local class units, and it has been conclusively proven that small local units render a strong, trusted and stable government impossible; and that, therefore, broad and continuous purposive policies are also impossible.

(d) *Social, economic or financial*: This is not the time nor the place to discuss or analyze Marx's theories in regard to capital and production; the law of capitalistic development; exploiters and exploited; value and surplus value; the commodity form of production of labor; the economic cell form; the industrial reserve army; concentration and centralization; crises; the collective control of the means of production, etc., etc. These are not governmental in their nature, but chiefly social, economic and financial, and have been fully covered so far as they affect the governmental issue now distinctly joined between the source of authority, the methods of operation and the underlying and ultimate purposes of American Democracy and Prussian Marxism—their of, by and for governments. It will only befog this issue to discuss Marx's economic or financial theories, especially since they are largely based upon political, social and economic conditions which do not and never have prevailed in the United States, and which have largely changed in Europe since universal suffrage places the power of the ballot in every one's hands. A democracy can adopt any of Marx's economic theories, but not one of his political proposals. Therefore we can put into effect any of Marx's social, economic or financial theories if the majority deems it wise.

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Marx, as a Prussian, was saturated with the Prussian conception of the exaggerated dominance of a state, which, in turn, was dominated by an absolute Hohenzollern dynasty, whose members openly practiced and even gloried in the selfishness, treachery and other baseness of their use and control of the government.

Prussian Marxism is the foe-to-the-death antithesis of American Democracy in the following among other particulars:

First: Marx's major premise was rank materialism; that matter dominates mind. He said,

"The ideal is nothing else than the material world reflected by the human mind and translated into terms of thought."

Our history, as already briefly outlined, shows that our minds have acceleratingly translated the ideals, not of the material world, but of the Declaration of Rights, the Declaration of Independence and our state and federal constitutions into the most purposive and the most powerful government of history. That this was done against internal and external odds which under any other political theory and government, and especially under a Prussian materialistic theory of social hatred and revolution, would have made it utterly impossible to work out the safety and happiness of the whole people.

Second: Marx's next premise is that the state—and a state Prussian in nature—must dominate the individual. We have seen how our forefathers fought this doctrine to its death, and, having achieved the personal and political freedom of the individual so that it could never be taken away, harnessed the State to work out the most unheard of and wonderful purposive government the world has ever dreamed of.

Third: Marx's next premise is that this Prussianized State shall be dominated, not by the people, all of the people, or even by the upper eight-tenths of the people who have always been the leaders and who have brought us to our present civilization, but by the lower two-tenths who have been the dead load which the others have been attempting for centuries to lift to a higher level. Marxism would substitute for the Hohenzollern dynasty and the brains of the German bourgeoisie a dictatorship of the children-breeders, which have few of the virtues of the self-respecting middle classes, and more and worse vices than all the other classes. Our history shows that a strong, trusted and stable government can never come from such a source of authority; and therefore that true purposive government cannot prosper under it.

Fourth: Marx's next premise is the truly Prussian conception that a state dominated by the former ruling class, the monarchy and its satellites, must be superseded by another dictatorship of a class, the proletariat. Our history demonstrates that, with practically universal suffrage, no government can be strong, trusted or stable unless it is of and by all the people, and knows no class. The ideals of the proletariat are neither high nor progressive—especially of a Prussian proletariat—and can never furnish the basis for a great or progressive purposive government. On the contrary, the dictatorship of the proletariat tends directly to the subversion of civilized society, as mankind has evolved it after nineteen centuries of Christianity, and tends to produce supersavages and superbarbarians, because it makes savages and barbarians out of men who possess the knowledge acquired in the arts and sciences of the twentieth century.

Fifth: Marx's next premise is that class hatred and class violence and terrorism by the proletariat, the social

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revolution in its most awful and ruthless Prussian form, are necessary to emancipate

“society at large from all exploitation, oppression, class distinctions and class struggles.”

Until human nature suffers a change which is not likely to happen under a government dominated by Prussian Marxism, such an emancipation would be one of death; for all life would be gone from liberty, society and civilization when this process was complete; and Bolshevism shows that a social revolution is the climax of exploitation, oppression, class distinction and class struggles.

Sixth: Marxism's next premise is that violence and terrorism, in other words, Bismarck's Prussian method of iron and blood, must be used to usher in the reign of Marxian Socialism. All Marxians advocate this violence and terrorism. The radicals gloat over it and urge it on; some parlor socialists deprecate it as an unpleasant necessity; all accept it, and differ only in regard to the time, manner and degree of its application. The history of American Democracy shows that such a policy cannot formulate or advance purposive government. Marxians do not talk of proceeding in an orderly way, or of respecting law or order or the rights of any one who stands in the way of proletariocracy. There is no purpose to win by fair means, by the ballot or by convincing one's adversary; but only the purpose to produce a terrible Prussian social revolution of the Bolshevik variety. Prior to our Civil War, it was considered the very depth of human degradation to propose to stir our slaves in the South to rise against their masters; but that would have been even commendable compared with the world-wide social revolution against anything above the level of the

proletariat which is preached and, wherever possible, practiced by Marxists.

✓ Seventh: If there was ever any justification for bringing Prussian Marxism into power by violence and terrorism, that time has passed with the adoption of universal suffrage which puts the power of the ballot into the hands of the proletariat. If the proletariat are in the majority they can force their views upon the minority in an orderly fashion. If they are not in the majority they have no right to coerce the majority. In any event the proletariat holds a balance of voting power sufficient to force the granting of all just rights, and more they are not fairly entitled to. We have had enough of the Prussian theory and practice that Might makes Right.

Eighth: Not only is purposive government practically impossible under the Marxian theory that its source of authority is to be *of* the proletariat, but even more so under the Bolshevik practice of conductive government by the soviets, which are not merely local, but locally subdivided into the various classes of workers. We have seen in our own history that to enable purposive government to grow greatly the purposive functions of the towns, school districts, road districts and other small local units must be gradually taken over by the county, state and nation. Our conception is that all the eligible voters of such a district shall vote for common representatives. But the soviet government is far different from ours. It provides not only for government by the proletariat, but by the various classes of workers of which the proletariat is composed. How great would have been the growth of purposive government with us, if only the working men had had the ballot, and they, not as a whole, but by classes or soviets of the several kinds of workers! This is the meaning of the soldiers' council or soviet, the



sailors' council or soviet, and the soviets of various classes of workers—"the tearing of each industry out of its relation to the whole community."

Ninth: Quite possibly Marx was right in assuming that in his day in Prussia and under the Prussian conception and practice of the dominance of the State, "not by speeches and the resolutions of majorities . . . but by iron and blood," the proletariat could never obtain any real political and individual rights except by a social revolution with all its terrorism and violence. He was wrong in assuming that real liberty has ever been so obtained in the great democracies and limited monarchies of America and England. Marx's theory is diametrically opposed to the facts of their history. English and American struggles for political or individual freedom have always been led by the bourgeoisie and not by the proletariat, although the proletariat have usually benefited quite as much as the bourgeoisie. It was the rich and powerful of England that forced the signing of Magna Charta and the Declaration of Rights, and subsequently the enactment of the Bill of Rights; and the bourgeoisie of England have always led in the struggles for the rights of the oppressed classes.

Likewise the American signers of the Declaration of Independence and the framers of our first state and United States constitutions were almost exclusively drawn from the landholding bourgeoisie and not at all from the workers as such, although many of these bourgeoisie had themselves come up from the proletariat in the constant movement in that direction.

In the eighteenth century and for a considerable part of the nineteenth, only landholders or those with a stated income could vote in the various States. The preamble of the first state constitution of Pennsylvania, with its



wonderful statement of the principles and practices of political and individual freedom, recites, (p. 25 *ante*) that it was ordained "by the representatives of the free-men of Pennsylvania." Nor was human slavery abolished in the United States by a social revolution of the slaves themselves, but by the bourgeoisie of the North and West. Our history gives the lie to Marx's theory that only the proletariat can help themselves, and this by a social revolution of iron and blood.

Our purposive history has been chiefly the work of our bourgeoisie in favor of the proletariat—if we can be said to have such a class—in a country where it is comparatively easy for any self-respecting man to rise into the ranks of the bourgeoisie. Our purposive government has been largely with the distinct object of enabling the poor to rise from the proletarian class to power and prosperity through free education and other purposive aids gladly devised and carried out by the bourgeoisie. If Marx, a Prussian and steeped in Prussian practices and theory of government, could see only a social revolution as a means of raising the condition of the proletariat, certainly the world cannot afford to follow his principles instead of those of American Democracy, which constantly works for the safety and happiness of the people and for a strong, trusted and stable government. Especially is it true that the world cannot afford to work for a Prussian revolution of terrorism through iron and blood now that manhood and womanhood suffrage prevail in most civilized countries, and make possible the same series of peaceful revolutions which have been enlarging the purposive functions of our national and state governments.

Tenth: Finally, the absolute antithesis between Marxian Socialism and American Democracy can be easily demonstrated. To Marx there was "a great gulf fixed"

between the bourgeoisie, a predatory and exploiting class, and the proletariat, a preyed upon and exploited class, which gulf the proletariat might never pass in appreciable numbers. Therefore the only hope of the proletariat was to bridge the gulf by pulling the bourgeoisie down to their own level instead of attempting to rise to the higher level. Of necessity such a method would engender class hatred—not merely class conflict—and involve a social revolution founded on Prussian terrorism of iron and blood.

On the contrary, American Democracy has always acted upon the theory and practice that its society comprehended only the people. These are all created equal, and are not divided into permanent classes of any kind which are divided by any gulf which any honest and competent man may not bridge. Our purposive government has as its chief object the bridging of such chasms, so that any man, though starting life as a foundling or in the most abject poverty, may qualify for any office in the land (except that the President must be native born) or for any position in society or in any business or profession. As men thus rise from poverty to wealth and influence in this country, they carry with them an ardent desire to help their less fortunate fellows. The spirit of helpfulness, idealism and altruism thus grows and spreads by the constant example and aid of those who have already passed over any possible gulf. In this development of "the people" many peaceful revolutions of all kinds, political, social, economic, educational and ethical in their nature, have taken place without any Prussian iron and blood terrorism or social revolution; and more and more the helping hand is held out from above to those who are less fortunate in life's struggle.

If we wish to find a true example of a democratic hero

and statesman to contrast with Marx, Lenin and Trotsky, let us consider the life and thoughts of Abraham Lincoln, the rail-splitter. Born in a log hut; of poor and humble parents; accustomed from childhood to heavy manual labor; too busy in keeping the wolf from the door to get more than a few months' schooling—he was in every sense a self-made man. On the frontier where he studied and practiced law, he went week by week on circuit from one backwoods court town to another, with the judge, the clerk of the court and the little group of fellow lawyers. At each step he had to meet his new clients, “horseshed” his witnesses and prepare for his trials overnight. The odd moments he spent around the tavern stove, swapping stories and learning human nature. All this was on the border line between the free and the slave States, and also on the border line between the old and the new States. We shall never see his like again, because the peculiar conditions under which he was born and grew up can never be repeated.

Lincoln had an open and honest mind, and always sought to find out wherein his legal or political opponent's position was right and strong and his own wrong or weak. He did not assume that he was right and the other man wrong. He always tried to discover what was good in his political opponent's plan, and then to use it for the common good. No one saw right and wrong more quickly or more surely. When he became President he selected his cabinet from the strong men of his party. Some of them had been his most bitter rivals for the presidential nomination, who would hardly speak to him and bitterly opposed his nomination and his proposed policies. Thereby he united under him the strength of the North, so far as it could be then united, and thus won our Civil War. Time and again delegations came to tell

him how to run the war, and where he had made his mistakes, and even to insult him in their earnestness for their own beliefs. Lincoln never lost his temper with such persons; but said that at heart they were his friends and the friends of the common cause, and that he had enemies enough without making any more. Then, having patiently gotten at their supposed grievances, he spoke to them in parables. Since Jesus of Nazareth there has been no one who could speak in parables like Abraham Lincoln. There was a point to every one of his homely stories; just the right point for that particular occasion; and as each delegate went home, that point grew larger and clearer until he saw everything in its light and felt ashamed that he should have presumed to go to Washington to counsel or rebuke that giant of the people.

Lincoln summed up the whole spirit and course of our government in ten words: "government of the people, by the people, for the people." He was not misled as to the weaknesses of such a government. He knew exactly where it had gone wrong, even while it was striving to do right. He knew that the people could not always be trusted, any more than the individual. He knew that there was necessarily a large margin of error in any popular government; but he had the most unfaltering belief that government by and for the people was the best, greatest and safest form known in the world, *if put under certain restrictions, checks and counterpoises*. Lincoln said that it was possible to

"fool all of the people some of the time, and some of the people all the time, but not all of the people all of the time."

Because it was possible that some of the people would be at all times upon the wrong track, and that in some

cases the whole people would run wild, Lincoln believed in a government so arranged beforehand that it would afford as many checks as possible upon any temporary foolishness of some or all of the people, until they had had time to consider the question at leisure and to look at it from all sides, and especially from the other man's side, according to his own way of doing. In this regard Lincoln only fell in with the convictions of our best thinkers. He knew that a revolution in fact voices the thoughts and aspirations of only a small part of a nation. He would have concurred fully in what Woodrow Wilson said later:

"It is the familiar story of revolution; the active and efficient concert of a comparatively small number controlling the action of whole communities at a moment of doubt and crisis."

Least of all did Lincoln seek to stir up class or caste feeling. The unalienable rights of every individual in the nation were sacred in his eyes. He neither thought nor talked in terms of the proletariat or bourgeoisie; of capital or labor. His early poverty did not sour his disposition nor affect his philosophy nor lower his high regard for the preamble of the Declaration of Independence or for the Bill of Rights. He saw clearly the political thought of the English race that political freedom must rest upon the solid foundations of the liberty of the individual and not upon the license of a class. His political philosophy was thus the very antithesis of Marx's. He knew that it was the whole English people, acting largely through the land-owning classes, that wrested Magna Charta from King John in 1215, and forced the Declaration of Rights in 1689. He knew that if the individuals of a democracy enjoy complete personal liberty,



not license, there can be no oppression of classes which can be more than temporary, and which cannot be overcome by orderly education and agitation of the masses.

In other words, Lincoln firmly believed and advocated the English and American theory and practice that first there must be a complete freedom of the individual, and by means of government of the people and by the people, the people individually and collectively, but not by classes, must and can work out government for the people, and secure to themselves and their posterity the blessings of the liberty which they enjoyed as individuals and not as classes.

The underlying purposes of all governments are ruling and serving. An absolute monarchy is the rule of one, that all may serve the King. Oligarchy is the rule of the few, chiefly to serve their own interests. Marxian Socialism is the rule of a proletarian dictatorship, to serve its own ends.

The great underlying thought of Christianity is service; and the subconscious purpose of the United States, a professedly Christian nation, has been to make its government, increasingly and acceleratingly, one of service to the people,—more service, better service, higher service, to effect the safety and happiness of the people, to promote the general welfare, and to secure to the people, now and in the future, the blessings of liberty.

To-day American Democracy offers to the stricken world the choice between the broad Liberty Highway on the right hand marked "Democracy," a road of service, safety and happiness for all the people, and the dark and threatening wood path on the left called "Marxian Socialism," a path serving the interests of a dictatorship of the proletariat, but of woe, terror and despair for the people.



## XXVIII

### WE MUST MAKE AN IRREVOCABLE CHOICE BETWEEN AMERICAN DEMOCRACY AND PRUSSIAN SOCIALISM AND PROLETARIATOCRACY

SUFFICIENT facts, not theories, are now before us to enable us to state the nature, purposes and place of the struggle between American Democracy and Prussian Marxism; the parties to it; the relative strength of the forces arrayed against each other; the methods of battle of the respective sides; and the line on which our campaign should be carried on.

*The Nature and Purposes of the Struggle are Simple.*

It is a life and death fight between the forces of light and the forces of evil; the forces of life and those of death. On the one hand we find a living force, with all the self-contained powers of Life to grow and expand and develop—and to perpetuate itself in new organisms which may have even greater powers than their parent. This force is also like the X-ray, with power to penetrate the densest masses and to kill malignant growths. On the other hand, we find Death—the ability to kill Life; a poison which paralyzes and causes intense agony and kills.

On one side is a wonderfully successful democracy with a record of 140 years of purposive achievement. On the other side a balked and exiled Prussian student's dream of class hatred and social revolution has come true; and has for its record less than 140 weeks of truly

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Prussian rapine, murder, chaos and ochlocracy. The struggle is Prussian in origin, concept and methods, and the nature of a Prussian conflict was proclaimed long ago:

“Hate now! Arm thyself in steel and pierce the heart of every foe. No prisoners! Lock all their lips in silence. Turn our neighbors’ lands into deserts.” “Let them perish, all the enemies of the dictatorship of the proletariat. God demands their destruction.” “War must leave nothing to the vanquished but their eyes to weep with.” “It is better to let a hundred women and children belonging to the enemy die of hunger than to let a single proletarian suffer.” “It aims at nothing but the sanctification of falsehood, the adoration of brutality.”

These words were not spoken of Bolshevism, but of its mother, Prussianism. How much more do they describe Bolshevism, which has been found to be the only legitimate conclusion of Marxian Socialism.

This is a civil war. But far beyond this, it is a war against society and civilization, and all that Christianity and democracy and idealism and brotherly love and every uplifting force have heretofore accomplished toward the accelerating improvability of men. It is a struggle between those who would deify all that was depraved and worst in Prussianism against those who have struggled for individual and political liberty and the securing of the blessings of that liberty to all the people. It is the supreme attempt of all the evil forces of the world to-day to triumph over the uplifting forces which have heretofore been triumphant. Marx has boldly said that his theories were based on the sure coming of social revolution. Lenin says that the social philosophy of Marx had never been put into practice before. For Socialism all roads lead to social revolution. The purpose of the

enemy is to destroy all purposive government by destroying any possibility of saving a strong, trusted and stable government. It is only under such governments that purposive government can live or thrive.

Can there be any persons who still think that Marxian Socialism will promote the general welfare and secure the blessings of liberty? No government of class hatred and social revolution can ever make a success of social reforms and governmental ownership and paternalism—as has our purposive government. We have done more for such reforms in 140 years than Socialism could do in as many centuries.

### *The Place of the Struggle*

Lenin says that Bolshevism must be applied all over the world in order to render it effective. All socialists truly claim that Marxism can never be successful nor continue long in power anywhere, unless it carries out its Prussian dream of domination over the world. Islam's dream of extermination of all infidels is an infant's effort when compared with the mouthings and strivings and performances of the radical socialists.

The conflict is in our midst to-day. It is civil war, but not between men upon the battle-field. It is against women and children, the aged and the innocent; against the thrifty and those of clean lives; against those who will not bend the knee, nor worship Baal. It is a battle of extermination of all that is good in the homes, in the churches, in the market-places and marts of business, in the factories and on the farms.

It is to be everywhere a social revolution under the control of a Prussian or Prussianized proletariat. The only question is as to how soon will our own homes and business be within the battle lines.

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### *The Parties to the Struggle*

On one side are the Prussian proletariat, the children-bearers, and their confreres of every land. Or, as Horace Greeley said of another craze:

"The conceited, the crotchety, the selfish, the headstrong, the unappreciated, the played-out, the idle and the good-for-nothings generally."

But also the criminals and the very scum of the earth. To these are added those who believe that the world owes them a living, who deify the spirit of graft and get-rich-quick in every part of their mental and moral being; and the lowest classes in society. And through it all there is a distinct tendency for all socialists to sink to the level of their lowest members. Socialism does not appeal to those who are willing to take advantage of the opportunities offered them by a good purposive government, and to fight their way upward while they aid and coöperate with their fellow men. Above all, every true Marxian socialist is a potential Bolshevik, Spartacist and anarchist. There are many parlor and schoolroom socialists who preach and uphold Marxism, but who are too great moral and physical cowards to live it or carry out its logical and admitted purposes. Such are morally, if not legally, accessories before the fact and after the fact to every crime and treason of the I. W. W. and other Marxists who have the courage of their Bolshevik convictions. The attacking forces have all the characteristics of any other mob, formidable to the weak and unorganized. Yet they are only a mob when opposed to well-disciplined forces.

On the other side are the unarmed and the uninformed and skeptical forces of law and order; of democracy; of purposive government. In 1914 and 1915 there were

some Americans who would not believe in the depth of Prussian ruthlessness and terrorism and barbarity; in the revolting acts in Belgium; in the threats against the *Lusitania*; in the spy and plot systems in our midst. Likewise for years we have been unable to realize the Prussian malignity of Socialism; the inevitable ruthlessness of a dictatorship of the proletariat. We have insisted that such things could not come to pass in the civilized world and especially in our beloved land of freedom. Being idealists and optimists we have not credited any of our fellow men with being so depraved. We have been fools and blind, and we have had blind leaders of the blind. Therefore, as usual, we have been found wholly unprepared. We have the potential material for the greatest army in the world to meet this enemy, but we do not realize it. We have the greatest historical, political, purposive, financial, commercial and democratic resources in the world with which to equip our army, but we do not know this. We have the original and the greatest purposive government, but we have never realized its place in a fight against social revolution, nor have we made any survey or plan upon which we can base our mobilization.

"It is the familiar story of revolution; the efficient concert of a comparatively small number controlling the action of whole communities at a moment of doubt and crises."

We have no organization, no leader, no general staff, no knowledge of our real and available potential resources. We have no plan of mobilization; no campaign or line of action. We have never studied in the right manner nor from the right view-point the purposes and accomplishments of our governments. We have no real knowledge of the enemy's strength and weakness; nor of



the places where and the plans upon which he purposes to attack us; nor of the best way in which to meet his attack. In possibly the most awful struggle which we have ever faced we are even more unprepared than we were to meet the War of 1812, or the Mexican, Civil or Spanish-American or the European wars.

*The Methods of Battle of the Respective Sides*

The Indian massacres of our colonial times were but child's play compared with the methods of the socialists in power as a dictatorship of the proletariat. The Indians depended on stealth and surprise, and on the tomahawk and bow and arrow to overwhelm, massacre or carry off a few frontier settlers. The Marxists carry on their campaigns against whole peoples; in the high places of government and learning; in the press and the forum; but the truth is not in them. They resort to the usual Prussian practices of Frederick the Great and his successors but the instrumentalities and tortures are of the twentieth century.

"Disgusting hypocrisy and cunning and contempt for the people manifest themselves" in every act of the proletarian dictatorship. In its theory and practice

"terrorism is seen to be a relatively gentle procedure, useful to keep in a state of obedience the masses of the people."

Even our purposive governments, with their 140 years of securing the blessings of liberty for all the people and for their posterity, are held up as the product of a selfish capitalism. Our own people are inflamed against their own governmental achievements by false and deceptive pleas. These pleas are based upon the appeals of an exiled and soured Prussian, living in poverty in a



foreign land, and plotting against the then conditions of his native land, which were not those of our country, then or now. With characteristic Prussian deceitfulness and duplicity, the ignorant are taught that the wood path called Prussian Marxism leads to the safety and happiness of the proletariat; while the Liberty Highway of American Democracy is only fit for the exploiting and oppressing bourgeoisie. The method of attack is truly Prussian. It consists of filtering through our first lines of defense small bodies of agitators and anarchists, who have already captured many strategic points in the rear. Yet even this has not aroused us from our stupor and made us ready to commence to begin to think of considering anything resembling preparation.

### *The Line of Our Campaign*

We need a new Paul Revere to rouse us to the nearness and strength of the enemy. We must educate ourselves and all our people as to the true meaning, purposes and accomplishments of the American Democracy which our forefathers bequeathed to their listless and supine posterity. We must realize how wonderful is the structure of purposive government which we have reared upon the foundation of English law and liberty which was pretty much our only asset in 1776. We must determine that we will not desert the world at a time when the spirit, the accomplishments, the secret, the life force of American Democracy are the things for which all oppressed peoples are crying out.

We need a Leader! A giant of the people! Oh, God, for another Abraham Lincoln, a man of the common people, and knowing their frailties and their strength; a faithful, unselfish, politic, far-sighted, untiring and personally beloved and trusted man, who will bare his heart

and his problems to his countrymen, and win them to an intelligent and enthusiastic support of his leadership. We must not have a trimmer or cowardice, but an Ole Hansen kind of fearlessness. There must be no partisanship in this united defense of all that we love, cherish and hold dear. Here is the opportunity for the political parties to get out of their doldrums and educate and agitate the people as they alone can; yet not for the selfish benefit of themselves or of any of their leaders. There must be a common and unselfish and high-minded realization of the words of the preamble of the United States Constitution, brought down to date:

We, the people of the Unprepared States, *must* form a more perfect union, establish justice, ensure domestic tranquillity, and provide for the common defense, if we would promote the general welfare and secure the blessings of liberty to ourselves and our posterity.

Can we rise again, as did the farmers of Lexington and Concord on April 19, 1775, for American Democracy and all that it means to us and the world! Or shall we allow our own artisans and farmers, our yeoman class, to be still further seditiously taught that our great purposive governments are for the benefit of any one class, and should be swept aside to make way for a dictatorship of the proletariat!

We may well adopt the words of General Leonard Wood in regard to the red flag.

"Kill it as you would kill a rattlesnake, and smash those who follow it, speak for it or support it. They are the enemies of the State and dangerous enemies. The time has come for frank talking. We have had events recently in this country which indicate the need of frank and direct action against those who talk treason."

We must choose the very best battle-field. What

would be said if John Smith, charged with a crime, should be allowed by law and practice to determine the crime with which he should be charged, draw the indictment, fix the place and time of trial, and select the prosecuting officer and jury? Such a proceeding would not be entitled *The People against John Smith*. It would be in fact and should be in name *John Smith against John Smith*. But we have adopted precisely this course in the case of *The People against Prussian Marxism*. The socialists have been allowed to define the issues which should be tried, and in other ways to paralyze and debauch the public machinery.

Why have we allowed the moral conflict between our American Democracy—with its purposive governments and all that they mean to the world—and Prussian Marxism and social revolution to be fought out as a question of working hours and daily wages and trade unions? Why has it taken Bolshevism to rouse us from our twenty years of sloth and blindness? These have been precious years—during all of which the enemy was as active as we were idle. These are social and economic questions which, with our wonderful history in this regard, should have been used on our side. The enemy has been shrewd enough to capture our most powerful artillery and turn it against us.

*We can always trust the American people if they are given an opportunity to decide a question on its merits after a proper campaign of education.* It is our duty to explain to the people, "line upon line, line upon line, precept upon precept, precept upon precept," from childhood up, the true meaning of American Democracy and of our purposive governments. Then we must make equally clear what Marxian Socialism really is, and that men cannot serve God and Mammon; that figs cannot come

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from thistles, nor safety and happiness from Socialism—no matter how much wages may be raised or hours shortened.

The Allies may bruise the head of the serpent of Prussian militarism and thwart the plans of German commercialism, but all this will be in vain if they do not educate their masses to see clearly the blessings of real democracy, and the true Prussian origin and meaning of Marxian Socialism, and how it must end in state-ocracy and ochlocracy, and in the destruction of purposive government; and hence of the general welfare and the blessings of liberty, present and future. Only democracy of the highest type can save the world to-day.

It is nothing new in our history to have to choose between two conflicting theories and working hypotheses of government. On the contrary, it has been an ordinary feature in England and America, and never has been accompanied by a social revolution; only by a political revolt.

England chose between the Church and the State; between an absolute and a limited monarchy; between a Romanist and a protestant line in her kings; between her King and her Parliament; and between her House of Lords and her House of Commons. We chose between being colonies and being states; between being a confederacy and being a nation; between slavery and its abolition; between state's rights and federal authority; between monopolies and state or federal regulations. Europe chose between Christianity and Islam.

America and all the democratic nations of Europe must soon make a final choice between Democracy and Prussian Marxism; between having the pyramid of their governments stand upon the broad and solid foundation of the people, all the people, with full civil rights guar-

anted to the individual and with the State as the apex; or having the pyramid reversed so that it stands upon an apex consisting of the exaggerated dominance of the State over the individual and his rights; the plenary power of an unorganized, weak, untrusted and changeful State whose dominant political party is its proletariat, its submerged tenth, its failures and its ne'er-do-wells. Europe and our nation must choose between government of, by and for the people, the whole people, and Marx's government of, by and for the proletariat.

Already much of the virus of Marxism has gotten into the world's blood, and is coming to the surface in class hatred which is crowding out the broad tolerance and co-operation of all classes in a true democracy. We hear much of the rights of capital and labor and little of the rights of the people. This class poison of Marxism, which is diametrically opposed to all the teachings of our history, crops up in every discussion. Notwithstanding all we have done in the way of purposive government, it is assumed that social reforms in this country must come from the lowest classes, and through the terrorism of a social revolution.

Englishmen and Americans and Frenchmen must awake to the fact that Marxian Socialism is Prussian in its nature and in its fruits and in its methods of operation; and that Bolshevism—"bayonet-ocracy" they call it in Russia—is the legitimate brat of Prussian kultur.

In ancient days there arose a deadly struggle between the African civilization and methods of Carthage and the Latin civilization of Rome; between Punic faith, which meant cruelty and treachery, on the one hand, and Roman integrity and love of law and order on the other. After many years of hesitation, the Romans realized that these civilizations and governments were so diametrically op-



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posed that they could not exist together; and Rome adopted her war cry,

*"Carthago Delenda Est"*—Carthage must be destroyed.

In like manner we must weigh the merits of Democracy and Marxism or Bolshevism, as two conflicting working hypotheses of government. We must realize that Lenin was absolutely right when he boldly challenged the world by proclaiming that Bolshevism must "be applied all over the world in order to render it effective." Unless we are willing to give up the American Democracy which is the fruitage of the struggles of our English and American forefathers for 700 years, and to forego the blessings of liberty of the individual and the people which our forefathers transmitted to their posterity, and to substitute therefor a Prussian proletariatocracy where the lower classes and not the kaiser are the rulers and chief beneficiaries, with the evils and chaos which accompany the dominance of the proletariat and its dictatorship, we, too, must adopt as our war cry,

### *Prussian Marxism Must be Destroyed.*

Under the canons of individual liberty which are our greatest inheritance from England, no man can be punished for an act which is not forbidden by law. Until that time an act is not a crime punishable under the criminal law. Therefore Congress and the state legislatures must pass sweeping but wise laws forbidding Marxism and its offspring, just as we have made crimes of treason, slavery, lotteries and other offenses against the government and the public weal.

Last and greatest of all we must know that the essence of American Democracy is political idealism for the peo-



ple, the whole people, who are the unit to be first considered in any reform and in any conflict. Materialism is the deadly foe of idealism. It tends to crowd it out; to occupy its place; to check its growth. We must rally to the side of our political idealism in its conflict with the materialistic claims of Marxism that any class or the State itself stands higher than the people. Thus only can we discern clearly the right and the wrong of the claim of any class to strike or otherwise assert its alleged rights regardless of the rights of the people or of the rest of the community. The people, and not the States nor the nation nor any class of the people, are the great underlying source of authority in the United States. The Ninth and Tenth Amendments expressly recognize this.

“The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained *by the people*.”

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or *to the people*.”

The foundation stone of our democracy is the people; but no one would ever suspect it from our conduct for the past twenty years. Let us make a right start by confessing *our* sins. The blame is chiefly *ours*. *We, and we only*, have sinned. Not one of us has a right to assert any claim to the blood of the Pilgrim Fathers, or to be called Sons or Daughters of the Revolution. We have been blind, cowardly, selfish and utterly unworthy of our high lineage. Our country, our purposive government, our American Democracy, our civilization was entrusted to our keeping; and we have proved utterly unworthy of the trust. *We* are the people of the Unprepared States of America.

## XXIX

### OUR DUTY

**O**N November 19, 1863, two men, of totally different social extraction and training, stood before thousands of their countrymen, upon the recent field of our greatest battle. Edward Everett, the orator of the day, was recognized as our most polished public speaker, at a time when our oratory was at its zenith. He had been president of Harvard College, governor of Massachusetts, ambassador to England, and United States secretary of state and senator, and was noted for his learning, nobility of character, pride of race and devotion to all that was best in his commonwealth and in the nation. For two hours he held his audience spell-bound. President Lincoln followed him and delivered his wonderful Gettysburg oration in about two minutes. Edward Everett, the aristocrat, was magnanimous, truthful and honest as he grasped Lincoln's hand and said simply, "Mr. President, I would be glad if I could flatter myself that I came as near the central idea of this occasion in two hours as you did in two minutes." No man has excelled Lincoln in the use of the one syllable words of the English language. Fix in your mind the full and exact meanings of the words "of," "by" and "for," because these words contain the foundation and the growth thereon of all true and spontaneous economic collectivism in the United States and elsewhere.

To Lincoln the dead of Gettysburg, like those who had previously laid down their lives for their country, had

died that "government of the *people*, by the *people*, for the *people* shall not perish from the earth." This was the pregnant and prescient thought of our great Commoner, whose hands still showed the knots of toil, whose heart beat for the common people from whom he had risen, and who never spoke until he had patiently heard and digested the other's side. In ten words, Lincoln gave us the watchword and the keynote, the whole history and the present meaning of how our nation has in the spirit of the Declaration of Independence applied and developed the purposive functions of our federal and state governments for the general and social welfare.

Through all the turmoil of our history as a democracy there has always been one guiding star which led us on—government for the *people*. This great, enlightening but largely subconscious thought has raised our ideals and enabled us to put behind us our crimes, blunders and mistakes, to purify our politics and improve our treatment of our neighbor. It has given us year by year stronger and more trusted governments. It has made us to-day the greatest government of and by the *people*. Now, without hope of reward, we must strive to do our part in making the world safe for democracy, so that every nation, great or small, may have indeed in the highest sense a government for the *people*—not merely a Prussian proletariocracy.

Lincoln's creed was but an incomparable phrasing and condensation of the words of the Declaration of Independence. Those words make it plain that our colonist forefathers did not merely advance their standards so as to insist that their governments should prevent oppression and provide political liberty. They took that for granted. They went much further and insisted that all men were created equal, and with the unalienable rights

of life, liberty and the pursuit of happiness; that governments were instituted to secure these rights; that such governments were to be of and by the *people*, and on such principles and in such form as would seem most likely to work for the *people* and effect their safety and happiness; and that the chief and truly important functions of a government were the purposive. The keynote words of the great fundamental documents of our political liberty point to the origin and justification of the idealistic humanitarianism of our governmental theories, and show the line to which we have honestly attempted to hew. But they are the absolute antithesis and confutation of Marx's materialism; and that is the battle-field on which we shall fight.

Can it be that in its greatest crisis, American Democracy will fail the world; that its light will go out; that the American people will prove too recreant to safeguard and extend the canons of liberty for which our forefathers fought and died?

To us, to-day, from the past, come the immortal words of Lincoln, spurring us to our duty, not alone for American Democracy, but for democracy throughout the world.

"Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of it as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have conse-

crated it far above our poor power to add or to detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take full measure of devotion—that we here highly resolve that these dead shall not have died in vain, that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the earth.”

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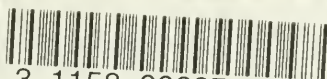
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